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A HISTORY
MILITARY AND MUNICIPAL
OF
THE TOWN
(OTHERWISE CALLED THE CITY)
OF
MARLBOROUGH
AND MORE GENERALLY OF THE ENTIRE
Hundred of Selkley.

BY JAMES WAYLEN.



Ubi nunc sapientis ossa Merlini?

LONDON :
JOHN RUSSELL SMITH, 36, SOHO SQUARE.

MDCCLIV.

C. A.

John Mauchavers, keeper of the King's Forest, south of Finch, claims to have from every Forester, as well within the Forest of Havermale as elsewhere in the County of Wilts, when he is on die, his horse saddle with a horn & sword, and his bow and barbed arrow.

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ASTOR, LENOX AND
TILDEN FOUNDATION
1898

'Jacky John's Fair' is held between Marlborough and Childenhall on the evening of the 1st of May, called Jacky John's Fair. The origin of the custom is not very well understood, but as far as we have been able to glean, very many years ago a man called Jacky John an itinerant vendor of gingerbread all the streets, affertaining thereto, was on his way to a fair, but was induced to stop and erect his stall on the spot which the fair has ever since been held. The whole of the stock then, and is still in part, purchased by the clergyman of the parish, and distributed amongst the children of the village, in a row in the street. They then start off, hand-in-hand "thread the needle" the whole distance from Marlborough to Martins, when they are joined by a very large number of girls & boys of the town, & proceed still "threading the needle" & crying "beornas" in continuation through LONDON the streets to St. Peter's Church.

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which they usually reach at the clock strikes nine. The number can be from 500 to 1000 boys & girls, as was the case last Sunday, in that can scarcely be imagined, & has often been a source of some amusement, & astonishment, especially to strangers." Ibid.

M^r. Edward B. Moryman read a paper (Wilt. Archaeological Socy) at which Sept. 22. 59) on the Charity of the Velvet Pall, & Masses of the Town of Marlborough. A Pall of Velvet was presented to the town in 1679 by some good friends, & each hands of 2 trustees, to be let on hire to persons in the neigh^rhood at a charge from 10s to £1. The proceeds to be given to each poor Protestant dissenting as trustees might think most deserving. It was in considerable request, many of families in the neighbourhood (e.g. the Hungerfords) using it, & at one time it was as Cornwall. Becoming worn out in 1719 a new Pall was purchased by subscription, & a second in 1747 - In 1770 there was a considerable fall in the revenue from the pall, the whole receipts for that year amounting to £10. The deficiency arose from M^r. Baskers took leaving started an opposition pall, but on a representation being made to him, he withdrew his private pall. However the customs of the country, & the standing by law given generally of palls made such an invasion upon the profits of the town of Marlborough that in 1796 the charity altogether ceased; in 1825 M^r. [Patterson?] Mervin an Episcopalian for keeping up the charity, but was found impracticable. Nothing was known of the exact date when new ones were provided. The case of one formed a flagon, & which on certain state occasions - such as a Royal visit the King was drunk: whilst the changes which had from time to time been on state ceremonial hearings of the mass, as the dynasties changed & new ones were carried, showed that the municipal authorities of M^r. Baskers

desirable of you to be on good terms with the ruling powers of the day, as the habit has in later times thought it convenient to change their politics with views and interests of the great house which has so long been associated with represented in of their borough. Wilt's County Union & Savings Gazette. Oct. 1859.
 at West Lavington & other villages the old Beneficial Clubs have fallen, which cost gratis to the members, whilst other persons are charged 3/- to 3/6 - Ibid.



INTRODUCTION.

ONE of the uses of a Preface is to record the kind assistance received in the compilation of the pages following; in doing which, in the present instance, it is but fair to state, that no one but myself is to be held responsible for the sentiments hereinafter uttered. This proviso, it is hoped, will legitimate the pleasure of parading the names of Mr. Reeve, of Marlborough; Dr. Bandinell, of the Bodleian Library, who furnished the address at page 327; the Rev. Richard Smith, of Marlborough; the Rev. J. E. Jackson, of Leigh de la Mere; the Rev. Edward Wilton, of West Lavington; and Mr. John Neate, of Marlborough, who supplied the interesting document at page 261. In the municipal department free use has been made of Merewether's and Stephens's elaborate work on English Boroughs. Should

it appear strange that in a work comprehending, though in a subordinate degree, the entire Hundred which includes Avebury, no notice is taken of the countless theories connected with that spot, it may be sufficient to reply that Mr. Britton has already "trod the weary round" in the third volume of his *Beauties of Wiltshire*; and that to agitate again the dense cloud of learned dust which has been raised around and about the magic circle, while destitute of the power of laying it, were an attempt alike impertinent, unprofitable, and vain.

The numerous historical tracts relating to Marlborough, preserved in the Library of the British Museum, constituted the principal inducement to the execution of a series of papers, entitled, 'Wiltshire during the Civil Wars,' which some years back passed through the columns of the *Wiltshire Independent* newspaper. Since that period I have met with some few others, and the courtesy of friends has added so much miscellaneous information, that I am now enabled to offer this History of Marlborough and the Hundred of which it is the metropolis, as an instalment of the more copious illustration which I hope yet to make of the annals of Wiltshire during that most interesting period of English history. In any memorial of the struggle of the seventeenth century, the men of Marlborough merit an honourable distinction; for they were the foremost to attack, and they also suffered the most deeply. If to this be added the fact, that after the great fire the rebuilding of the town in far more than its original beauty took place under the Protectorate of Oliver Cromwell, through the means of a national subscription,

stimulated in all probability by his generous example, here is another memento well worth recalling to the view of a community whose principal claim to the notice of the historian rests upon their ancestral association with that great man in the cause of civil and religious liberty.

Another, though subordinate, design of the following sketches is the exhibition of that local or domestic government characteristic of the mediæval boroughs, which, deriving its origin from the military and colonial system of old Rome, and kept in vigour by the Roman element, distinguishing the civic from the Saxon or rural population, contrasts not unfavourably with that metropolitan centralisation which has almost sapped the independence of the provinces, and of which even Edinburgh has recently begun to complain.

The charm of the present History, therefore, (if it have any) must of necessity be retrospective; and while the transplantation of the name of Marlborough to a score of new sites in the Colonies guarantees for the original a representative futurity, the burgesses of the old town may, not without a dash of self-gratulation, appropriate the motto of the noble house of Bruce,

“FUIMUS.”*

DEVIZES,
Christmas, 1853.

* The Legend of Elgin and Ailesbury.

ADDENDA ET CORRIGENDA.

- Page 29, 7th line from foot, *dele* "had."
- 64, line 9, *for* Brumston *read* Balston.
- 137, in heading of Chapter, *dele* "other events in Wiltshire."
- 332, line 23, *for* of office *read* office.
- 343, 9 lines from foot, after "age," *dele* the semicolon.
- 363, reverse the words Jesse Heneage.
- 371, at foot of page. Sir John Hynde Cotton was, it is true, M.P. for Cambridgeshire till 1736, but he is the same person who afterwards represented Marlborough.
- 374, 6 lines from foot, *for* Newman *read* Newnham.
- 381, 19th line, *for* from Hungerford *read* through Hungerford.
- 389, 20th line, *for* grandson *read* son.
391. The engraved plan should have shown a foss exterior to the moat round the southern portion of the garden.
- 392, 4th line from foot, supply the *alias* with Roger, whose son was clerk of the peace.
- 397, 5th line, *for* son-in-law *read* nephew.
- 496, 13th line, *for* Rohes *read* Rokle, meaning Rockley.
- N.B. Roman road at page 7, line 8, described as keeping north of the stream. This portion of the road was probably subordinate to the main military track which there is reason to think crossed the Kennet at Fyfield, and ascended straight up to the superior station of Folly Farm.
- N.B. In the dates taken from civil war documents and others the year has been made to commence on the 1st of January.
- N.B. The Rev. Jonathan Lypeatt, at page 416, was rector of Wath, but not an ancestor of Mr. Francis.

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HISTORY OF MARLBOROUGH.

CHAPTER I.

PERIOD BEFORE THE NORMAN CONQUEST—ORIGIN OF MARLBOROUGH
AND MILDENHALL—ROMAN STATION—SIR RICHARD COLT
HOARE'S OPINION—CASTLE MOUND—SILBURY HILL—POLLY
FARM—TEMPLE FARM—MERLIN—THE SAXON CHRONICLE.

THE chronicles of a single country town may often bring us into contact with some of the principal passages in the history of a great nation. Viewed in this aspect, Marlborough appears invested with considerable interest; and it will be the fault of both writer and reader if occasions of profitable reflection be not derived from a simple recital and review of its chequered fortunes.

The absolute origin of but very few towns can be traced with any degree of certainty. They may often have existed long before they acquired the names by which they are known at the present day. British appellatives would give place to Roman substitutes, and these again, while retaining their signification, would become Saxonised in form; or, as it frequently happened, a town might acquire altogether a new designation derived from the title of its new owner, the indices of its previous existence as a place of residence continuing nevertheless to be manifest all around. In the case under consideration, there can be no doubt that the whole valley of the Kennet was the resort of aboriginal inhabitants, and Marlborough itself is close upon the confluence of

several Roman roads; yet it is equally certain that neither antient Britons nor Romans gave to the town its modern name. This we must rather refer to the Saxons, who, upon their occupation of the island, imparted their own nomenclature almost universally. The neighbouring military station at Folly Farm, including its suburb of Mildenhall, bore, under the Romans, the title of Cunetio, evidently derived from the river Cunnet or Kennet; and this is probably as primitive a sound as we can trace in the neighbourhood. It is so closely allied to the Kynetæ of Herodotus and the Kynt of the British bard Aneurin, that we may be safely satisfied with the theory which has peopled the valleys of North Wilts with some of the earliest wanderers. If, while the hoary historian informs us that beyond the Celts, who occupied the west of Europe, that is to say, Gaul and the shores of the German Ocean, there lay still further west the nation of the Kynetæ, we recall the fact that the only countries still further west were the British Isles, we shall not be surprised to find that the part of the shores of this country visible from the continent has borne the name of Kanti, Cantium, or Kent, from the earliest periods. But the Kanti were driven inwards by successive invaders; and though displaced by Celts even in their pastoral recesses, still retain a memorial in the name of the river Kennet, and in the important Roman station styled from the stream on which it stands, Cunetio or Cunetium.

As it was the practice of the Romans to fix their cemeteries outside the walls of their towns, a portion of the ground on which Marlborough now stands may possibly have been the burial field attached to Cunetio; for the castle-mound certainly appears to claim a sepulchral origin, though, owing to its superior magnitude, it is now the only survivor of the kindred memorials, which, on this supposition, must once have surrounded its base. Here we may suppose the pagan Saxon invaders continued to inter their dead, till around the churches raised over their ashes the later or Christianised Saxons would

begin to cluster and inhabit. Thus the town would be undergoing a process of removal. At this period some chieftain, such for instance as Alfred the Great, casting his eye upon the now well consolidated mound, and judging it a valuable accessory to a fortalice, would wall it in and defend the approaches; and while reserving its apex as the seat of the donjon or keep, would flank its base with numerous subordinate buildings more suitable to the purposes of habitation; a process in fact similar to that which there is reason to think was adopted with reference to the mounds of a similar class at Canterbury, Thetford, Lewes, Oxford, and some other places. And should the reason be asked, why Marlborough's twinbarrow of Silbury escaped a similar fate, an apparent solution will be found in the inferior advantages of position offered by the latter; for Silbury Hill was not in the vicinity of a flourishing town, neither was it so well posted on a river. Of course all this is conjectural, but it furnishes a reason for the shifting of the town from a spot a mile to the eastward. An attempt has been made to show that mounds of this kind, when found within walls, were invariably of Norman origin, and constituted an essential part of Norman castrametation: but, in truth, when that people visited us, we had already passed the period when gigantic earthenworks were in vogue. The power of the Norman architect was rather symbolised by his lofty masonry, his intricate approaches, his double-walled quadrangular keep, the base of which could hardly be laid on the point of a conical mound; though such a rampart of earth, when found ready made, might still have had its uses, and might even come to have a tower built on it; but this, it is presumed, would be a departure from the Norman ideas, which evidently had expanded beyond the requirements of the old Saxon or circular keep. That the occasional occurrence of conical mounds in Norman castrametation is to be allowed to limit their construction to the Norman era, is a position not to be established by the dicta of a few antiquaries

of the last century, especially when, as in the case of Marlborough, such mounds happen to carry in their own elements and in their surrounding memorials the traces of a far more remote antiquity. There is another still more formidable objection to the theory of their Norman raising. Their consolidation would be imperfect, and totally unequal to the required pressure. On such a mound as that of Marlborough, a century or more must have elapsed before the skilful architects of the Norman era would venture to raise a superstructure of stone. There was, it is true, a hillock termed a *motte*, frequently directed to be raised within Norman lines, but this was for purposes very subordinate to the foundation of a keep. In corroboration of the sepulchral theory above urged, it may be added, that at Lewes Castle the remains of an important Roman cemetery have been discovered and explored at the very foot of the Castle Mound; and "recent discoveries at Canterbury show that the Saxons not only continued to inter their dead on the site of the Roman burial places around the antient city down to the time of their conversion, but that they afterwards erected Christian churches on the same spots." (*Wright's Celt, Roman, and Saxon*, p. 437.)

Sir Richard Colt Hoare, who evidently regarded Marlborough Mound as possessing equal claims with Silbury Hill to the character of a sepulchre, thus describes these two formidable barrows:

"Marlborough Mound is a huge pile of earth, inferior in proportions only to Silbury Hill. Each one situated on the river Kennet, the one near its source, the other near its margin; and I have no doubt but that in antient times each had some corresponding communication with the other. In more modern times, when the present Inn (this was written in 1819) was the hospitable mansion of the Hertford family, this stately mound was converted into a hill of pleasure; on the ground floor a cavern was excavated and ornamented as a grotto, with shell work, &c., the sides sliced down so

as to form a spiral walk around it, fenced with parapet hedges, and the summit crowned with a summer house, of which Dr. Stukeley has given a view in his *Itinerarium Curiosum*. Still, notwithstanding all these inappropriate decorations, it assumes an imposing appearance. This mound has been so mutilated, as well as lowered in its height, that it is impossible to calculate an exact measurement of either its circumference or height; but as nearly as we could guess by a trial with our chains, we found the base to be about one thousand feet in circumference, and the diameter of the summit one hundred and ten feet." (*Antient Willshire*, Part I. p. 15.)

Sir Richard's dimensions of Silbury Hill are as follows: "The circumference, as near the base as possible, measured two thousand and twenty-seven feet, the diameter at top one hundred and twenty feet, the sloping height three hundred and sixteen feet, and the perpendicular height one hundred and seventy feet; but that part of our measurement which will excite the most surprise, is, that this artificial hill covers the space of five acres and thirty-four perches." (Page 82.)

Stukeley's measurements are rather less, as he estimates the diameter at the top of Silbury at one hundred and five feet, and the base at "somewhat more than five hundred," and gives the solid contents as 13,558,809 feet.

The following remarks on tumuli are from J. Y. Akerman's *Archæological Index*. "The raising of mounds of earth or stone, over the remains of the dead, is a practice which may be traced in all countries to the remotest times. A heap of stones marked the tomb of Absalom. The grave of Patroclus was thus distinguished. Herodotus informs us that the tumulus erected over the remains of Alyattes, the father of Croesus, was more than six stadia in circumference. (Lib. i. c. 93.) And Diodorus Siculus says, that that of Ninus was of such dimensions, that at a distance

it might be mistaken for the citadel of Nineveh. (Lib. ii. p. 95, ed. 1604.) Virgil's allusion to the tomb of Dercennus is well known ;

' Fuit ingens monte sub alto
Regis Dercenni terreno ex aggere bustum.'

Æn. lib. xi. 849, 850.

And a huge tumulus erected by Germanicus, in the forests of Germany, covered the remains, and told to posterity the destruction of the legions of Varus. (*Tacit. Annales.* lib. i. c. 62.)"

Now, though the mound of Marlborough, as well as many other of the Gothic relics of this district, will probably ever remain "standing enigmas," they are evidences of an early and numerous population. That the valley of the Kennet was a primeval settlement, forcibly struck Sir Richard Colt Hoare in the course of his numerous journeys of exploration. No writer, in fact, has discoursed so largely on the memorials of a former age still extant in this neighbourhood as Sir Richard, in his folio treatises on Antient Wiltshire. The learning which directed his researches, and the unassumed ardour which carried him through them, render him a very agreeable guide. We cannot therefore do better than let him speak for himself in the few passages to be presently selected from the diary of his rambles in the vicinity of Marlborough. To elucidate his remarks, it will be desirable, by way of preface, to specify with precision the geographical and commercial position which Cunetio occupied during the Roman period.

The fact that the British trackway over Hackpen-Down avoids Marlborough, suggests the idea that the town, if existent at that period, was of small consideration. For its earliest genuine history we must therefore look to the Roman era, when as a military station, placed at the junction of three or more important lines, it undoubtedly rose to considerable influence. Its position was as follows:—*First,*

There was the high road from Venta Belgarum (Winchester) to Corinium (Cirencester), passing through this station. *Secondly*, It stood on another Roman way from Bath to London, a line which, in crossing Wiltshire, passed through Spye park, then over Roundway Hill, then skirting the base of Silbury Hill, came upon the Kennet river, just opposite Lockeridge House, making a slight curve in order to keep north of the stream; then to Cunetio, or Mildenhall; Rudge Farm, and so on to Speenhamland and Silchester, near Reading. *Thirdly*, There was a road from Sorbiodunum, or Old Sarum, which there can be little doubt ran through Burbage and Everley. This is not so straight as many Roman thoroughfares; but the fact is we may trace several of their trackways destitute of this characteristic feature, which was principally required for military uses. The well-known one, for instance, from Old Sarum to Bath, was not more direct than a modern road. Wiltshire, Somersetshire, and Gloucestershire, constituted the centre of Roman fashionable resort in Britain. The country, blest with peace and prosperity, was everywhere spotted with villas, and reticulated with roads. In seeking, therefore, to identify Roman ways, it is unnecessary to look only for straight lines. *Fourthly*, The great highway called Ermine Street, from Gloucester to Silchester, passing through Cirencester, Cricklade, Stratton St. Margarets, and Speenhamland, of course avoids Marlborough, but there is the straight branch hence, joining it at the station of Nidum (Nythe Farm), a mile this side of Stratton St. Margarets, thus rendering continuous on to Cirencester the road mentioned first in the list as coming from Winchester.

"Marlborough and its neighbourhood," observes Sir Richard, "are the most interesting places which, as an antiquary, I have yet met with. Its environs abound with British antiquities, which have been already described. My present researches are directed solely to the vestiges which the Romans have left

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behind them. I know of no situation in our island which can boast of two decided stations situated so near to each other: the one at Mildenhall, in the vale of the river Kennet; the other at Folly Farm, on an adjoining hill, to the south above the river. Each from situation may dispute the name of Cunetio; I shall therefore distinguish them by the names of Upper and Lower: but I must give the preference to the latter, for the great road which I have lately described enters it, and proceeds afterwards to Speen and London. The former may also claim its Roman road, from Winchester to *Nidum* and *Corinium* (Cirencester). The Roman road coming from Winchester made a bend to the left, when it reached the top of Cockatrip Lane, and crossed the fields into the station. Another Roman road also evidently issued from this station, and from the direction of the compass, it seemed to have pointed towards *Sorbiodunum* (Old Sarum). The road to Winchester, after quitting the station, is visible in an angle of Levy Copse, from whence it pursues its course over two grounds called Leonard's Fields — where it has been demolished by the plough within the memory of farmer Hutchins, who has long resided on the spot, and gave me very obligingly every information I could desire; and he himself destroyed that little portion of the causeway at the south-east angle of the above fields.

“On entering Savernake forest two Roman roads separate: the one bearing south-east towards Winchester; the other nearly south towards Old Sarum. Having touched upon new scent, you may naturally conclude that we were very eager in our pursuit of this hitherto unknown causeway. They each cross the London turnpike road between miles LXXII and LXXIII, and the one which points towards *Sorbiodunum* directs its course through Bradenhook Copse, to the back of the park-keeper's at Bradenhook Lodge where the ridge is visible, and still so a little beyond it, as far as the bottom; but here all traces are lost, and nothing left except a few tumuli in the probable

line for us even to hazard a conjecture about the further progress of this road.

"MILDENHALL OR LOWER CUNETIO.—Having in Iter VI mentioned the Station at Folly Farm, which I have distinguished by the name of Upper Cunetio, we must consider the relative position of Lower Cunetio. There can be no doubt of this being the Cunetio described by Antonine, in his Iter between Bath and London, as the several stations upon the line are for the most part known, and fortunately a fragment of the causeway leading to Spinæ, or Speen Hill, is visible on issuing from this station. It ascended the Down towards Hill Barn, then, probably, proceeded through Hen's Wood to Hug's Ditch; and through Lawn Coppice to Cakewood, Standgrove, Hungerford, and Speen Hill, where the Roman station of Spinæ, on the grounds of Mr. Wild, was ascertained by my friend, Mr. Leman.

"I feel happy, in this opportunity, of acknowledging the repeated acts of kindness and liberality which I have received from the Rev. Mr. Francis, who resides within the area of the Station (at Mildenhall), and in whose garden numerous coins have been dug up, and to whom my work stands indebted for the very curious brass vessel and the Roman urn, both of which have been engraved, and by his means rescued from oblivion.

"Besides the very singular occurrence of two decided Roman stations being situated at so short a distance from each other, the whole vicinity of Marlborough bespeaks a considerable antient population. The many British works with which the more open country abounds have been already described in a former part of my work; and the low land and meadows of the Kennet are continually productive of Roman antiquities, for in these fields each of the above-mentioned relics were discovered by labourers digging for gravel. The declivities of the ground bordering on the vales present also in many places those slight intersected banks which we have ever found

attendant on antient residence. We have also a 'Cold Harbour,' and a small square camp, where Mr. Cunningham dug up Roman pottery at the upper end of the town of Marlborough."

In another place Sir Richard Colt Hoare has the following notice: "Adjoining the town of Marlborough there is a common, at the southern angle of which there is an earthen work, inclosing above three quarters of an acre of land. The south and west sides are rectangular, the other sides irregular: the entrance was towards the east." (*Antient Wiltshire*, p. 40.) This inclosure is commonly termed "The Bowling Green."

"**FOLLY FARM.**—This tenement is situated to the north of the great London turnpike-road, nearly opposite to milestone LXXIII. It overlooks the vale of the river Kennet and the town of Marlborough, and is elevated in its site. This hill is covered with a variety of banks, ditches, and other irregular works, which I am inclined to attribute to an earlier period than the Roman. We here find the names of Isbury and Postern Hill, and within these more antient works are the clear and undoubted remains of a Roman settlement, authenticated by a portion of its square circumvallation with the usual rounded angles, &c., numerous coins, and other relics. When I first visited this supposed Roman station in October, 1805, I made use of that important discoverer of truth, the spade, which had been my unerring guide through the widely-extended field of British antiquities; and on the present occasion it convinced me that the Romans had dwelt on this spot, for on finding an arch of brick, and following its course, I came to an interment of burned bones deposited within an urn of black, well-moulded pottery. I also found, on digging, the remains of coarse tessellated pavements. The farmer, by name Hutchins, who has resided many years on this estate of the Earl of Ailesbury, is continually finding coins and other

relics of Roman antiquity, amongst which are those figured in the annexed plate which I have thought worthy of being recorded. The female figure is given of its original size, and is not devoid of elegance in proportion and design: she appears to have held a speculum in her hand. Two spoons were also found on the same spot in a very perfect condition. The whole of these articles were of bronze, and have been presented by Farmer Hutchins to the Rev. Mr. Francis of Mildenhall."

THE MARLBOROUGH BUCKET.—"I must not omit to mention a very curious relic of antiquity, which, by the zeal of the Rev. Mr. Francis of Mildenhall, was rescued from destruction. It was discovered in a meadow adjoining Marlborough called St. Margaret's Mead, situated just beyond the first milestone on the road to London. According to the original drawing presented to me by Mr. Francis, and drawn upon a scale of three inches to one, the vessel must have been two feet in breadth and twenty-one inches in height. It was formed of substantial oak wood ribbed with iron hoops, had two handles of the same, and a hollow bar of iron was placed across the mouth of the vessel and affixed to the two square upright pieces projecting from the circle. It was plated with thin brass, and ornamented with embossed representations of grotesque human heads and animals. The deposit of human burned bones which it contained proves it to have been originally destined to sepulchral purposes, but I am at a loss even to conjecture the period to which it ought to be attributed. The labourers employed in digging gravel for the roads in this mead frequently meet with coins, pottery, animal bones, &c. To Mr. Francis I am indebted for a beautiful little cup of bronze coloured pottery, with six indentures in it; and in the collection of the same gentleman I observed many coins of the Lower Empire, some fragments of the fine red-glazed pottery; and the very singular interment or sacrifice of the bones of a

cat and a cock, amongst which I could distinguish plainly the jaw and teeth of the former, and the leg of the latter, with the spur still adhering to it."

The bucket here described by Sir Richard is not a solitary instance of this species of article being discovered in Anglo-Saxon cemeteries. Several have been found in Kent and Cambridgeshire, and one at Fairford in Gloucestershire. The last mentioned was only four inches in diameter, and of the other specimens delineated in Mr. Wright's work, *The Celt, the Roman, and the Saxon*, none approach the Marlborough Bucket in size. The writer further remarks, "These buckets are, as far as I have observed, always found in the graves of men, and they were evidently vessels which served for something more than ignoble purposes. The only explanation I can suggest is, that they were for containing the ale, mead, or wine, which was to be served in the Saxon hall. They are probably the vessels alluded to in the words of the poem of Beowulf, which describes how

'Cup-bearers gave

The wine from wondrous vats.'

l. 2816, p. 429."

Let us now again follow Sir Richard Colt Hoare.

"Following the valley from Wick Farm southwards, I came to another tenement called Temple Farm, to the south-east of which are the mutilated remains of a stone barrow, having a kistvaen at the east end of it. It is the finest example we have yet found of this species of interment, except the one in Clatford Bottom. From hence I ascend a hill to the north-west, directing my course towards a cottage adjoining the track-way, distinguished by the fanciful title of Glory Ann, leaving the vale in which Wick Farm is situated on my right. In my way thither, I observed three barrows, and to the north-east of Glory Ann, I with some difficulty discovered the British antiquities thus mentioned by Stukeley, in his

description of Avebury, page 47, under the name of 'Old Chapel.'

"That part of the Downs thereabouts is called Temple Downs, and the thing is called Old Chapel. Lord Winchelsea, Lord and Lady Hertford, and myself, were curious in observing it, 6th July, 1723. It is a large intrenched square, 110 Druid cubits by 130, like a little Roman camp, with one entrance on the south-west, towards Avebury, for it is posited with accuracy, as all these works are, from north-east to south-west. The situation of the place is high, and has a descent quite round three of its sides, the verge of its descent enclosing it like a horse-shoe. The entrance is on the side next Avebury, on the isthmus of the peninsula as it were, on the shortest side of the square, the south-west. It is made of a vallum and ditch; beyond that a row of flat stones, set quite round, and pretty close to one another, like a wall; beyond that another lesser ditch. There are stones, too, set on each side of the entrance. On the north-west side is a large long barrow, fifty cubits in length, with two great stone works upon it, one on the end next the great enclosed place we have been describing, another stone work towards the other end, which seems to have been a semicircular cove, or demi-ellipse, consisting of five great stones; a Stonehenge cell in miniature, but now in ruins. This probably gave the name of Old Chapel to this place. The barrow likewise has been set quite round with great stones. In the second stone work one stone lies flat on the ground, along the middle line of the barrow: on each side a flat stone stands upright at right angles, as wings to them [to it?]. Upon them I suppose other stones were piled, as a kistvaen. Here probably lies the body of the interred. The stones are generally very large, about ten feet long. The whole I take to have been the place of interment of an Arch Druid, and his tribunal, or seat of justice.'

"The above monument of British antiquity lives only in the Doctor's description, for it has been nearly annihilated

by successive operations of the plough. One flat stone only now remains at the east end of the long barrow, and very faint vestiges of the other parts of the work.

“Between this relic and Glory Ann is a singular excavation, which, from its great size and depth, appears to me to have been a work of antiquity. It is noticed by Stukeley as having, in his opinion, some regard to Old Chapel. ‘It is,’ he observes, ‘a pyriform concavity set with stones on the inside. It is styled Balmore Pond, and it answers exactly to Old Chapel entrance, and the people have a report that there is a vault under it. One would be tempted to think that it was a prison, and the pond the place of executions, being formed theatrically: otherwise it might be a place of sports and spectacles. It is 150 cubits broad and 180 long, formed like an Amazonian shield.’

“A little to the south of Glory Ann I quitted the ridge-way, and directed my course towards Rockley Warren and Marlborough race-course. In my way thither, I noticed a small long barrow covered with heath and furze, having a fallen kistvaen at the east end: the mound appears to have been set round with stones. On approaching Rockley Warren, which is distinguished by a large clump of trees, the eye of the antiquary will immediately recognise the usual marks of British population, in the numerous inequalities of ground and superior verdure which each side of the track leading to Marlborough presents. The first British settlement seems to have been very extensive, and to have covered several acres of land; the works on the Down nearer to Barton Farm are more regular in their plan, partaking of the square, and in one of them is a kind of elevated prætorium. In each of these places our spade brought up relics of the Romanised Britons.

... “From Marlborough I proceeded along the turnpike road as far as the Swan public-house, in the parish of Clatford, and then diverge into the fields on the right, where in a retired valley amongst the hills is a most beautiful and well preserved

kistvaen, vulgarly called the Devil's Den It has been erroneously described as a cromlech, the decided distinction between which and the kistvaen I shall have occasion to state hereafter. From the elevated ground on which this stone monument is placed, it is evident that it was intended as a part annexed to the sepulchral mound, and erected probably at the east end of it, according to the usual custom of primitive times." (*Antient Wiltshire.*)

The value of the Rudge Cup, alluded to at page 9, in the quotation from Sir Richard Colt Hoare, will be rendered apparent from the following remarks by the Rev. Beale Poste, in his recent erudite work, *Britannic Researches, or New Facts and Rectifications of Antient British History* :—

"A part of Ravennas' work, relating to the Roman Wall, is authenticated by as singular a discovery of a Roman inscription as perhaps ever occurred. It is on a brazen drinking cup, and recites the names of five stations on the line of the Roman Wall, or several of them at least. The inscription reads

A. MAISABATTAVAVXEFODVMCAMBOCEANSBANNA.

The letters well formed and plain enough; though with the *ls* inverted, an *ε* put for an *L*, a *c* for an *o*, and an *i* omitted; but of the true reading of the whole there is not the slightest doubt, which is as follows :—

A. MAIS ABALLAVA VXELODVMO AMBOCLAN(I)S BANNA.

"These are all stations on the western portion of the Roman Wall, occurring in the following order, from east to west, *Maiaæ*, *Amboglanæ*, *Banna*, *Aballava*, *Uxelodunum*. The distance from the first named to the last in a direct line is $22\frac{1}{4}$ miles; and between *Uxelodunum* and *Aballava*, two stations in the inscription, *Lugubalia* and *Congavata* are omitted, as they also are from some unknown cause in *Ravennas*, though *Lugubalia* occurs in *Antoninus*.

“ Now the following are the respects in which this document corroborates Ravennas; namely, in transposing Uxeludianum and Aballava, and in giving the first-mentioned name in that form, and not as Axelodunum. The order in Ravennas rather leads to the idea that Banna is the same station as Amboglanna (Burdoswald), or Petriana (Cambeck Fort); but on the cup it is placed distinct from the first, which seems to show that if it be along the Wall it must be Petriana.

“ We may shortly describe the drinking cup. It seems of about the common size and form of which many are found, *i. e.* about three and a half inches over, and nearly of the same height. The inscription is on a fillet or necking, going round it just under the rim. Below this a fret, about three-fourths of an inch deep, also surrounds the cup at its most bulging part. The fret is filled up with two irregularly-formed half circles or crescents, placed back to back, in a near approach to each other, and occupying the alternate spaces; the others are filled up with four small squares. Below these, to the bottom, the whole space is divided into squares. And, as far as we may judge, the date of this antient relic is about the reign of Constantinus II, or A. D. 350. It was found in a well at Rudge coppice, in Wiltshire, where are tessellated pavements and many Roman remains. The place is on the Icknield-street, near Froxfield, and stated to be six miles from Marlborough.

“ It appears most probable that the names of these five stations were inscribed on this cup for no other object than to render it more saleable to Roman officers or soldiers, quartered at some of those stations; and it may be suggested, that multiplied similar specimens may have been manufactured for the same purpose. It is mentioned that a discovery somewhat similar has been made in the commencement of the present year, 1852, resulting from excavations under the direction of the father Marchi, among the foundations of antient baths, in the park of the Villa Vicarello, at Rome. The discovery, in

this instance, consisted of three silver drinking cups, which were inscribed with an itinerary of the road from Rome to Cadiz, with somewhat fewer stations than are given by Antoninus.



“As to our Rudge cup, we may add, that it is described and engraved in Horsley’s *Britannia Romana*, p. 49, and also in Gough’s *Camden*, vol. i, p. 113, as well as mentioned in Sir Richard Colt Hoare’s *Wiltshire*, vol. ii, p. 121. It was formerly in possession of the Earl of Hertford.” (Pp. 106-7.)

The termination “bury” or “borough” so frequent in this neighbourhood, has generally reference to earthenworks of some kind, either for fortification or for sepulture. It is derived from the Saxon “beorg” fortress, or “byrigen” burial; primarily perhaps from the Greek *πυργος*. The sepulchral tumuli in Sussex are popularly called burghs to the present day. Supposing this to be one of the elements in the name of Marlborough, and that its huge tumulus was the nucleus of the modern town, the next question that arises is, to whom

was the work dedicated. The learned Bale without hesitation attributes it to the Ambrosian Merlin, who he declares was here entombed. Merlin's barrow or burgh is easily recognisable in the present name—even were it not the case that in the earliest documents it is spelt almost invariably with an e. In Domesday Book for instance, and in King's John early charters, *Merlberg* is the more general mode of spelling. Other authorities on the point are as follows: One specimen of the coinage minted in this town by William the Conqueror has it spelt MIERLEB, contracted for *Mierleberg*. The continuator of Florence of Worcester, writing about 1117, has *Merleberga*, Hovdenus 1204, Knighton 1395, and the Venerable Bede in 730 have *Merleberge*, though Bede also uses *Marleberge*. In Simon Dunelmensis 1164, it is *Mæerleasberge*. In Gervasius 1200, *Marleberge*, and in the Saxon Chronicle, *Mæleberge*. See also the Herald's visitation, under date 1623, in this work. In the Hitchcock pedigree, temp. Jac. I, occurs the form *Marlensborow*.

Some have attributed the prefix "Marl" to the nature of the surrounding soil; and Lambarde, in his *Dictionary of the chief Places in England*, conjectures that it may be a corruption of "marble," on the supposition that the numerous boulder stones in the neighbourhood, called sarsens or gray-wethers, might be regarded as a species of marble. Furthermore, in G. W. Lemon's *Entymologies*, we meet with the following fanciful explanation of the name:—"Mar-all-borough, a contraction for Major-Hall (or college) borough." But none of these conjectures are any improvement on Master Bale's, and therefore Merlin may as well remain in peaceable possession of the ground, seeing that he was just the individual likely to be so canonized. His powerful opposition to the influence of Vortigern was calculated to render him extensively popular among the Britons; and if half the wonders attributed to him are credible, then we might most reasonably expect to find some relic of his name surviving in the district which.

The writer of an article on English local Nomenclature, in the Edinburgh Review Vol. CXI page 382, finds in Marlborough the name of a Saint "St. Marling" in the name, deriving the word from "St. Marcellus' burgh, as Boston is St. Botolph's town.

formed the scene of his labours. In fact, so late as the printing of the *Iter Carolinum* or Itinerary of Charles I, during the civil war, we meet with the spelling "Marlinborough." If this should carry but small authority, it is at least in accordance with the statement of another contemporary historian, who thus summarily settles the question:—"There was a town or city called Kaier-Merlin, which implies Merlin's town or borough, which is no doubt the same which we call at this day Marlborough." He further recites, as among the various traditions relating to the Seer, that he was born of a mother who knew not his father; that his mother was the daughter of King Demetrius, and lived a votaress in a nunnery belonging to the church of St. Peter, at Marlborough." (*Life of Merlin.*)

Merlin Ambrosius the Briton, who must not be confounded with the Scottish Merlin, is said to have flourished towards the close of the fifth century, and (in apparent contradiction of the statement last made) to have been a native of Wales. In his character of Seer, he prophesied of the invasion of the Saxons, and fulminated a diatribe against the magi of Vortigern's court. He erected the temple of Stonehenge, and wrote several works, the subjects of which may be studied in Bale's Catalogue of British Writers.

The following couplet, corroborative of the above legend as to the origin of the name of the town, and attributed to Alexander Necham, is quoted with derision in Gough's Camden.

"Merlini tumulus tibi Merlebrigis, nomen
Fecit, testis erit Anglica lingua mihi."

Speed, in his Map of Wilts, published in the reign of James I, prints it "Marlingesboroe." And he very properly places Cunetio at Folly Farm, thus showing how superior his sagacity was to that of Dr. Stukeley, who, a hundred years after, identified it with the castle grounds in the modern town.

A. D. 1006—The Saxon Chronicle under the above date

refers to an engagement which took place in this neighbourhood, during the struggle by which the Danes were endeavouring to establish a footing in the island. Having wintered in the Isle of Wight, a party of them made a marauding expedition to Reading and Wallingford, and passing by Ashdown encountered the English at Kennet and totally defeated them, carrying off a large booty to their head-quarters. "There," continues the chronicler, "might the people of Winchester see the rank and iniquitous foe, as they passed by their gates to the sea, fetching their meat and plunder over an extent of fifty miles from the sea."

CHAPTER II.

NORMAN PERIOD—DOOMSDAY BOOK—MINT—STEPHEN'S WARS—
 PRINCE JOHN MARRIED AT THE CASTLE—MARLBOROUGH GIVEN
 UP TO THE FRENCH PRINCE—THE LEGEND OF LACOCK—
 BARONS' LEAGUE IN THE CASTLE—SUNDRY CASTLE RECORDS—
 FOREST RECORDS.

EMERGING from the semi-apocryphal ages which precede the Conquest, the first historical notice we meet with connected with the castle, is the announcement that William the Conqueror made use of it as a prison, when, by the authority of a papal bull, he displaced sundry of the Saxon ecclesiastics (among others, Stigand, Archbishop of Canterbury) who had exhibited impatience of his usurpation. One of these was the Bishop Agelricus, who, in addition to his degradation from the see of Southsex was "committed to ward in Marlborough Castle." The name of the Norman lord, who at this juncture held the demesne under the crown, does not appear; nor does even the information derived from Domesday Book yield much to our scrutiny. That survey contains no description of Marlborough, though the place is repeatedly referred to. The first notice states that the King received £4 per annum from the third penny of "Merlebergh;" the only other towns in Wiltshire from which a similar tribute was derivable, being Salisbury, £6; Cricklade, £5; Bath, £11; and Malmesbury, £6. We are also told that one William de Belfou held one hide of land in the town, together with the church, of the annual value of 30 shillings, and this is all that the compilers seem to have thought worth recording. That no assessment of the manor, according to the usual form, appears in Domesday Book, is as unaccountable as the omission of several other

equally important places in this and other parts of England, for there can be no doubt of the previous existence of Marlborough as a municipal confederacy, if not as a citadel. But though the town itself makes no figure, it gives the surname to a very important individual, one, in fact, of the richest landholders in the county. He is styled Alured de Merlebergh, and he holds in his own hands the following estates or manors: Rockley, Allington, Fifield, Teffont, Newton, Lediard, Norton, besides land in Swindon, Lacock, Kennet, and Malmesbury. Moreover, various thanes held under him manors and inferior parcels of land at the following places: Rowde, Corston, Winterburne, Marden, Widhill, Upton, Clive, Somerford, Chicklade, Horningsham, Teddington, and Fifield. These are his Wiltshire estates, but the list might be considerably augmented by reciting his possessions in the four other counties of Hampshire, Somerset, Hereford, and Surrey.

Manton (or Preshute) and Okeburn were both held by Milo Crispin. Kennet, in one part of the survey, is stated to belong to Hugo Lasne; in another part, to be held by Richard under Waleran the huntsman. This Waleran, whose name is found in conjunction with four other estates, may possibly be the ancestor of the Walrond family so long settled in this neighbourhood. Another landholder named Richard Sturmid is conjectured to be the founder of the family of the Sturmeys or Le Sturmeys, who afterwards became the hereditary rangers of Savernak Forest, and who are still represented, through female lines, by the present Marquis of Ailesbury. Mildenhall belonged to the church of Glastonbury. The word Mildenhall, it may be observed in passing, sounds like a contraction of *molend' ad aulam*, a term of frequent occurrence in Domesday Book, signifying the mill attached to the hall, or the lord's mill, having reference in the present case, either to the governor's house in Cunetio or to the manor house. Under the more distinctive appellation of Selk or Selkley, this place appears

to have given name to the entire hundred of which Marlborough now constitutes the metropolis; the church or chapel of Selk having been for centuries subsequent to the Conquest included within the parish of Mildenhall, and destroyed probably not long before the publication of Ecton's *Living's*.

That Marlborough was regarded by the Conqueror as a fortification of some note is evidenced by the fact of his instituting a mint here. The only production of this establishment known at the period of the publication of Ruding's *Annals of the Coinage* in 1817, was a penny having the name of the town contracted thus MRLBRGEI. But a collection of early coins found at Beaworth in Hampshire in 1838 revealed the specimen referred to above, in which the spelling is FILD MIERLEB.

Of the castle, or its occupants for the ensuing eighty years, we learn only the solitary fact, that during the Easter of 1110 Henry I. held his court here. The events of the succeeding reign bring it into more notice, when not only this spot, but almost the entire country became the scene of the prolonged contest for the crown carried on between Stephen of Blois and the partisans of the Empress Matilda, Henry's daughter. Wiltshire forming the central ground of battle, and possessing at that period an extraordinary number of flourishing towns and religious houses, suffered proportionally the ravages of both parties. To view aright the position of affairs, it will be necessary in the following sketch to embrace a somewhat extended field.

STEPHEN having, by a most dexterous *coup de main*, got possession of the crown, was fated to hold it with small measure of tranquillity. Among the first disturbers of his peace were Robert of Bath, who held out the castle of that city against him, and Baldwin de Redvers, who played a similar game at Exeter. Stephen took both their castles, and Baldwin retired

to the court of Anjou. The King of Scotland next declared for the Empress, but experienced a signal defeat at the battle of the Standard. Another rising, instigated by Geoffrey Talbot, declared itself in the west, and straightway the King is seen storming at the walls of Bath, Bristol, and Castle-Carey. The prelates turn restive. The Bishop of Lincoln fortifies himself at Castle Howard, the Bishop of Salisbury builds Sherborne, Devizes, and Malmsbury castles, while his nephew (or son?), the Bishop of Ely, sustains a siege in that of Devizes. This trouble hardly over, Matilda herself lands at Arundel, in company with her half-brother, Robert Earl of Gloucester, and repairs to Bristol. Stephen was battering the walls of Marlborough when he heard of their arrival, but his energy never forsook him; and, first at Bristol and then at Arundel, he flies upon the foe, whom he vainly seeks to crush. Brian, the son of the Earl of Gloucester, raises the flag of defiance at Wallingford. Stephen surrounds the castle; but being dissuaded from attack, is again seen marching westward, to expend his vengeance on Humphrey de Bohun, a new enemy, ensconced in Trowbridge. Still unsuccessful, he mends his fortune by surprising Cerne and Malmesbury; and this point in his campaign introduces us to a personage who will engage further attention, the governor, namely, of the latter place, Robert Fitz-Hubert, a relentless freebooter, who, having stolen Malmesbury from the Bishop of Salisbury, was in his turn, after holding it a fortnight, driven out by Stephen.

The King now bent his renewed attention to Trowbridge, but being almost immediately compelled to draw towards London, he raised the siege, and left at Devizes a small body of men-at-arms, with orders to infest and harass the garrison at Trowbridge to the utmost of their power. So faithfully did these men execute their trust, that by ceaseless raids, forays, and skirmishes, they reduced the entire circumjacent territory to the condition of a miserable solitude.

ROBERT FITZ-HUBERT.—This robber chieftain, born in Flanders, and engaging as a stipendiary in the service of the Earl of Gloucester, found, on his arrival in England, the state of the country exactly suited to his marauding tastes. His character and acts, as delineated by William of Malmesbury, are scandalous even for that scandalous age. He soon escaped from the trammels of his superior, and, as stated above, succeeded in possessing himself of Malmesbury, where his presence was regarded by the monks with great consternation. His next essay was a visit to Humphrey de Bohun at Trowbridge; but driven thence precipitately, he laid his schemes to possess the far more formidable fortress of Devizes, then occupied by the predatory band left by Stephen. Devizes castle, as restored or “re-edified” by Roger, bishop of Sarum, was considered the strongest in the realm. In this judgment the monkish historians of the south of England concur without a dissentient voice. We might demur to such an assumption were our opinion based merely on the nature of the ground, which, though precipitous, could never of itself have rendered the place impregnable. Its pre-eminence, therefore, must have been owing to the architectural ambition of the wealthy founder, whose achievements in masonry are well known to have been the admiration of his age; and the towers of Devizes appear to have constituted his master-work.

Under cover of a tempestuous night, Fitz-Hubert ascended the lofty walls by means of ladders, connected with thongs of leather. A portion of the garrison being surprised in sleep, the rest fled during the confusion into the highest tower or keep; but having neglected to carry provisions with them, and despairing of relief from the King, they surrendered in the course of a few days. The news of this capture speedily reaching the Earl of Gloucester, he despatched his son Brian to claim possession in the name of the Empress, to whom Fitz-Hubert, with many derisive threats, made answer, that as he had won the castle himself, for himself he intended to keep it;

and in confirmation of this resolve, he invited to his standard several of his countrymen and kindred, by whose aid he reduced the surrounding country to a nominal allegiance. It seems he soon found that the castle of Marlborough stood inconveniently in his way; and, either with a view of neutralising its influence or circumventing a dangerous neighbour, he made proposals to John Fitz-Gilbert, the governor, to form a solemn league of friendship, involving mutual admission into each castle for the purposes of consultation. The Marlborough chieftain was as wary as his tempter; and entering with apparent eagerness into the scheme, he admitted Fitz-Hubert and several followers within his lines, instantly overpowered them, and chased a remnant with ignominy back to Devizes. On learning that the traitor was at last within his grasp, the intoxication of gratified vengeance swelled the heart of the Earl of Gloucester. Summoning to his person a select band of knights, he rode out of the west country, and reaching the castle of Fitz-Gilbert, received from his hands the body of the prisoner, in order himself to become the executioner of justice. Carrying his victim therefore to Devizes, he raised a lofty gibbet before the castle walls, and hung its ruthless captain in the sight of all his recent vassals.

But the fortress itself was not won, neither was Gloucester to become its captor. With sickening hearts the castellans beheld the execution of their chief; and recalling the adjuration to which when living he had often challenged them, that they should never surrender the place, even though hanging should pay for their rebellion, they preferred retaining possession at any risk rather than trusting to an exasperated foe. But the power of gold proved more influential on their rugged natures; and not many weeks after the events here narrated, though it would have been death to surrender to Matilda's party, they were not unwilling to listen to the overtures of Hervey of Brittany in the King's behalf, who thus, by means of a sum of money, recovered the principal

fortress of the west. Hervey, who was a son-in-law to Stephen, is described as a man illustrious in character and accomplished in the military art. His lineal descendant is the present Marquis of Bristol.

The next of the troublous events which characterised this reign were Stephen's capture at the battle of Lincoln, and the entry of the Empress into London. On the fall of his kinsman, Count Hervey found it difficult to maintain himself at Devizes. He stood alone in the midst of a district almost universally devoted to the Empress; and a huge rabble of rustics and thanes drawing around him and cutting off his supplies, he gave up the castle after an obstinate defence, and with a slender train of followers went beyond the seas.

Matilda's imperious conduct soon exasperated the Londoners, who chased her to Winchester, and thence to Ludgershall. While they were engaged in pillaging Winchester, the fallen princess hurried in disguise across the country, stopping at Devizes Castle for refreshment, issuing out of it almost immediately afterwards, inclosed in a hearse, and with great difficulty and circumspection at last arriving at Gloucester. This circumstance procured the restoration of Stephen, who was exchanged for the Earl of Gloucester during the winter of 1141; and the season of Lent coming on, accompanied with a temporary cessation of arms, Matilda improved the opportunity by summoning to Devizes Castle a general council of all her adherents in England. It was there determined that Gloucester should repair to Normandy and make a personal appeal to Matilda's husband, the Earl of Anjou, for assistance. His mission proved but partially successful. The absent husband was indifferent to the cause of his wife, but their youthful son Henry (afterwards Henry II) came over on a visit to his mother, and, conjointly with her, presided at a second conference at Devizes. It was now resolved to make a stand at Oxford, whither Matilda herself retired, and held the Castle till the King's troops had taken the city and actually set fire

to it, a feat which he also performed at Cirencester. At length he drove Matilda out of the Castle, pushed on to Wilton, and engaged unsuccessfully with the Earl of Gloucester. Wilton in its turn fell a prey to the flames. Anarchy anew spread over the country. The boroughs offered the only slender shelter from pitiless banditti, nor were the convents secure from violation. Conspicuous among the agents of this general ruin, John Fitz-Gilbert, the Castellan of Marlborough, sublime in crime, is presented to our view by the monkish annalist as the scourge of the religious orders and the very impersonation of bloodguiltiness. We must not, however, forget, while retracing such a picture, drawn though it be by a contemporary hand, that sacrilege so-called was in the eyes of an ecclesiastic the greatest of mortal sins. This accounts for the historian turning aside at this juncture to launch his ban against the oppressor in the following terms: "A very firebrand of hell and the author of all wickedness," he says, "was this John of Marlborough, who appeared to rule in that Castle for no other purpose than to scourge the realm with his ceaseless injuries. By means of outlying fortalices skilfully contrived to communicate with himself, he brought within his power the lands and possessions not of civilians only, but of religious houses of what order soever; and though often excommunicated, this added only to his fury, for, compelling the heads of the monasteries to assemble at his Castle on stated days, he practised the unparalleled effrontery of assuming in his person the episcopal function of levying contributions either in the form of ready money or compulsory labours."

Cricklade, celebrated in glowing colours for the beauty of its situation and the wealth of its burgesses—a seat of learning (as some have asserted) before Oxford, and possessing a mint sufficiently extensive to require or to admit of at least two moneys—next became the object of attack to a ruthless knight in Gloucester's train, styled William of Dover; who, having thus posted himself in a rich district embracing many

estates of the King's adherents along the banks of the Thames, carried dismay into every homestead, and filled the night with alarms. His general, meanwhile, made a renewed attempt upon Malmesbury. Stephen, as usual, fled to the rescue; and, having raised the siege, encamped at Tetbury with a view of retaliating upon the Earl's castles in Gloucestershire. But no sooner was he thus engaged, than William of Dover sallied out of Cricklade, and secured by stratagem the person of Walter of Pinckney, the King's commander at Malmesbury. William delivered up his prisoner to Matilda, and here his performances in England came to a close, for becoming at length penetrated with the enormity of his own outrages on society, he abandoned his post at Cricklade, passed into the Holy Land, and fell fighting against the infidel. But Malmesbury was not yet in Matilda's hands, nor could that lofty lady, though she tried by turns the arts of blandishment and the force of threats, prevail over her captive knight to persuade the garrison to surrender. Pinckney refused to transfer his allegiance, and the King's forces returning shortly afterwards in the same direction, Matilda abandoned the enterprise and gratified her revenge by subjecting her victim to a dungeon and to fetters of the most painful kind. The Earl of Gloucester now appointed his son Philip to command at Cricklade in the place of William of Dover; and the young man with a view to harass Oxford, built a Castle at Farringdon (described as a delectable place) took great pains in fortifying it, and garrisoned it with some of his choicest troops. The usual result followed. Stephen was quickly on the spot. His good fortune seemed returning, for he ~~had~~ not only compelled surrender of Farringdon, but won over young Philip himself; and with him the important post of Cricklade.

During the year 1153, Prince Henry, after an absence of some years in Normandy, once more landed in England at the head of an auxiliary force. His first exploit was the capture of Malmesbury, but this was followed by an

ignominious repulse before Cricklade and Bourton. Finding himself unequal to the task of displacing a rival whose personal prowess and frankness of manners secured alliance and disarmed animosity, he was not slow to enter into a compact which gave him undisturbed possession of the crown at Stephen's death, an event occurring within a year after the treaty.

HENRY II, soon after his accession, granted the Castle and Manor of Marlborough to his son John, Earl of Mortagne (often spelt Moreton), afterwards King John. It has been stated by various topographers and provincial gazetteers, that John seized the property illegally during his brother Richard's absence in Palestine, and that it was recaptured on his return by Hubert, Archbishop of Canterbury.

This is all fable, and is sufficiently disproved by the fact that the manor had been in John's possession as early as 1174, at which period an agreement was drawn up to settle the disputes between the King and his three sons, Henry, Richard, and Geoffrey, and which agreement contains amongst other articles, a provision whereby Henry the eldest son confirms to his brother John *inter alia* the Castle of Marlborough with its appurtenances. And although a document so notorious as the above had no existence, or supposing that Richard's accession to the crown reinvested him as lord paramount with the disposal of the royal fees, there is yet proof that John's tenure of Marlborough was a recognised and legitimate affair. Not only do the historians of the day assert that Richard, previous to his sailing for the Holy Land, invested his brother with divers earldoms, honours, and manors, including the Castles of Ludgershall and Marlborough, but the Prince's connexion therewith is still further testified by the fact that he selected it as the scene of his marriage with the heiress of the Earl of Gloucester, which took place in conformity with Richard's wishes, and in all probability with

the sanction of his presence, 29 August, 1189. John appears to have been attached to the spot as a place of occasional residence; and as Richard deemed it necessary before going abroad, to shut his brother out of London and Windsor, and to remove all inducement to interfere with the government, he prudently loaded him with favours, and provided for his amusement. From the days of the Romans, Wiltshire had been the centre of a district especially selected for the villas of the wealthy, and though violence had swept many of these memorials from the soil, its manors were still the envy of the lords, and its forests the resort of the monarchs. From this time the documents among the Tower records associating the name of John with Marlborough are extremely numerous. We gather from them that the Castle was constituted by him when he became King, the depository of a large portion of his treasury and other personalities. The burgesses also shared in his bounty. He remitted to the men of Marlborough "all dues owing from them to himself at the time he was Earl of Mortagne," and granted them various charters; of which more hereafter. A tradition survives, and has often been repeated, that certain members of his family were christened at the font of the neighbouring church of Preshute. The more probable supposition is, that the christenings took place in the chapel of St. Nicholas within the Castle, and that on the dismantling of the fortress in after years, the antique font of St. Nicholas was transferred to the church of that parish in which the larger portion of the Castle grounds lay.

The following extracts from the rolls are given as specimens of a class of documents which might be expanded almost indefinitely:—

1204. The King makes his will and testament in so far as respects the jewels lying in his treasury at Marlborough Castle. In this deed which is dated at Winchester, the jewels are all detailed with great exactness; the principal part being

bequeathed to the hospital of the Military Knights of the Temple at Jerusalem: others to the Abbot of Ford; to Waltham Abbey, and to Bradenstock priory.

1204. The King to Adam Tison, constable of the castle. We command you to surrender to Theodore Thenton, our valet, all our vessels of gold now in your custody at Marlborough, and provide him carriages to convey them to Exeter. Dated at Aungre.

7th John, 1205. The King directs Hugh de Neville, constable of Marlborough Castle, to victual (among other places) the Castle of Ludgershall, and to cause to be transmitted from Southampton to Marlborough six casks of white wine and six of elder wine. Dated at Woodstock. [The attestations to his decrees show him to have been perpetually on the move. He passed much of his time between Marlborough, Ludgershall, and Devizes.]

1205. The King to Hugh de Neville. We command you to furnish to Peter of the Ballistæ [crossbows, used also for stone projectiles] a house in the Castle of Marlborough for the constructing of ballistæ, allowing for himself, wife, and son, sixpence per day; and we will account with the Treasury on your behalf. Dated at Brehull [Bremhill?] Another writ orders Peter and his wife to be furnished with two robes, value 80 shillings.

1205. The King to the Barons of his Exchequer. Pay to the guardians of the episcopate of Winchester £10. 10s., for the expenses of the Queen our wife incurred at Ludgershall, Marlborough, and Winchester.

8th John, 1206. The King to the same. Credit Hugh de Neville with £10, which he laid out in the expenses of the Queen at Marlborough according to our precept. Dated at Marlborough, 8th Feb. Witness, Earl of Winchester.

1206. The King to Reginald de Cornhill [Hugh de Neville's seneschal or locum tenens at the Castle]. We command you to dispatch from Marlborough to London

carriages for the conveyance back of our red, blue, and white woollen cloths, and also our canvasses, which we have directed to be made in London. Dated at Lambeth, 27 April.

15th of John, 1213. The King to Hugh de Neville. Send to us at Porchester without delay, all the horse harness and furniture, with the caparisons both of steel and linen, and other suits of body-armour now under thy hands in the Castle of Marlborough, so that they may reach this place ere this ensuing day of St. Hilary. Dated at Portsmouth.

1213. The King to Hugh de Neville or his bailiffs at Marlborough. We command you, all delays and excuses set aside, that you send to London 15,000 marks of our moneys now in your hands (as we have otherwise already expressed by the messenger of the Lord Archbishop and Bishop), to be in London on the Saturday next before the Nativity, as you love yourselves. Ernald de Auclet, whom we have sent on this errand, will further explain. Dated from St. Albans, 17 Dec.

1214. The King to his honest men of Bristol, greeting. We command you, that as you love your lives you send to us at Marlborough, on the instant day next after the feast of St. Pancras, thirteen of the best and discreetest men of your city, to whom, on their arrival, we will explain our wishes. And, moreover, cause them to carry with them forty hogsheads of wine to Marlborough, and to leave as they pass through Devizes the twenty which we have already ordered thither. Dated at Trowbridge, 14 May.

1215. The King to Master Richard Mareschall, chancellor, and to Hugh de Neville. We charge you, that in case William de Valeis and Maurice de Tureville, the knights of the Bishop of Winchester, shall surrender the castle of Winchester to you, you convey from that city to Marlborough the Queen our wife and Henry our son. Dated at Trowbridge, 14 May. Corresponding instructions were also sent to Winchester, directed to the said two knights. Marlborough Castle was at the same time strengthened by the arrival of additional

artillery, described as eleven ballistæ, one footed [*ad unum pedem*], three ditto swivel [*ad turnum*], three galeas, and one capellum of iron, together with a supply of stones, to be entrusted to the care of Richard of Marlborough and Walter Siward.

1215. The King to the Barons of the Exchequer. Pay to our trusty men of Bristol £8. 2s. 6d., which they have laid out in the carriage of forty hogsheads to Marlborough and twenty to Devizes, by our command. Dated at Woodstock, 25 July.

1215. The King to Thomas de Sandford, constable of Devizes Castle. We command you, that out of the tribute [*denariis*] which friar Allen Martell has brought to Devizes, you deliver to our beloved Hugh de Neville two hogsheads of wine, to be carried to Marlborough. In testimony whereof we have sent these present letters patent. Dated at Reading, 27 May.

In this same year, 1 July, occurs a memorandum dated at Marlborough, whereby the King acknowledges the receipt of sundry parcels of jewels, deposited in Marlborough Chamber, from the Abbot of Stanley, from Friar Nicholas, and Friar Thomas, the monk of Burton (held by the Abbot of Burton convent), all of which it appears were committed to the hands of John of the Tower and William of Cannings, the faithful knights of Hugh de Neville. The king then went to Devizes, and received similar deposits from the Abbot of Ford, in Dorsetshire. Returning to Marlborough, he received another parcel from Eustace, the prior of New-place, Nottinghamshire, and was at Ludgershall on the 10th.

1215. The King to all men, greeting. Know that by divine intuition, and for the safety of our soul and the souls of our predecessors and successors, we have given unto Eve, the recluse of Preshute, the sum of one denarium per diem, which she shall enjoy in free gift so long as she lives, to be

doled to her by the hands of the constable of Marlborough Castle. Dated at Ludgershall, 4 Aug.

Up to this period John had been struggling with his foreign foes of France and Rome; and though not at open war, was certainly not at peace with his barons at home. It was now his fate to be trampled on in his own dominions, and to be branded as the author of all the miseries which ensued. It can hardly, perhaps, be said of him, that he was "a man more sinned against than sinning;" but truly his patience was taxed to the utmost. To use his own expression, necessity had no laws, neither had the Pope; he had to do with both, consequently to both he must needs yield. His own vassals would refuse to follow him to the field, the people groaned under his exactions, the religious orders anathematised him, and his own efforts were perpetually paralysed by the underplotting of miscreants from Rome, who came over to corrupt his people's allegiance, and then flitted back with bags of treasure.

The revolt, signalised by the exaction of the famous grant of liberties, styled *Magna Charta*, occurred at the close of his reign, and was calculated in its every aspect to fire his exasperation to the utmost. The disaffected barons invited Prince Louis, the Dauphin of France, to assume the crown of England; and advancing in a body on London, proceeded to attack the King himself in the Tower. To such of the lords as had not already declared themselves (and, amongst others, to Hugh de Neville of Marlborough Castle), circulars were immediately issued by the French party, threatening their estates with plunder and their houses with fire unless they forthwith joined in support of the revolt. The effect of this mandate was such, that a vast body of neutrals sided with the barons; but the governors of Marlborough, Devizes, and (Old) Sarum, in this part of the country at least, still maintained their allegiance. Hugh de Neville, in fact, was one

of the few lords who appeared on the King's side at Runnymede.

In the mean time John made his peace with the court of Rome, and demanded succours; but his principal hope lay in the efforts of a body of agents whom he despatched into Normandy, Gascony, and Flanders, to enlist in his service whomsoever would venture their lives for a promised estate. To while away the time till the return of his envoys, he retired to the Isle of Wight, and amused himself by converse with fishermen and by rambles along the shore. In the course of three months a vast body of hungry adventurers poured in to his assistance, at the head of whom he unexpectedly burst upon his enemies, and carried desolation throughout their estates. But Prince Louis was also quickly in the field, and maintained the balance of parties till the following year; when London and the midland counties being still in the power of the Barons, the southern and eastern counties, where John was mainly supported, were also threatened, and desertions from his camp began to paralyse his efforts. At this juncture the Castle of Marlborough fell at last into the hands of the French party, Hugh de Neville delivering it up to the Prince in person, and doing him homage for his lands; but the King could yet repose in the fidelity of his garrisons at Wallingford, Corfe, Wareham, Bristol, and Devizes, and Hubert de Burgh, that mirror of perfect loyalty, as Speed styles him, still held out at Dover. Such was the state of affairs in which the campaign of 1216 issued, and in October of the same year the King died.

One of Louis' earliest and stoutest adherents was William Mareschall, eldest son of the Earl of Pembroke, and he appears to have been invested with the wardenship of Marlborough Castle on the surrender of Hugh de Neville. Probably the townsfolk were on this occasion severe sufferers, for at least one act of injustice is recorded against the new governor, that, namely, of depriving the Barbeflet family of the port-

mills, which in the fourth year of the following reign he was compelled to restore in full seizin.

On the other hand, William Mareschall the elder, celebrated as "the brave and wise Earl of Pembroke," was adopting a very different policy. Faithful to the old King to the last, he summoned all his party immediately after John's death, and, presenting to them the young Prince Henry, then ten years of age, challenged their allegiance in a speech of great ability. The coronation was performed at Gloucester, in presence of the Pope's legate, several bishops, and a slender remnant of loyal Barons. A truce was then negotiated with the French party. Louis repaired to France to confer with his father, and his absence precipitated the ruin of his English prospects, for now a large number of the barons, having no longer any quarrel with the reigning family, embraced the opportunity of returning to their allegiance, and amongst their number appears the name of the younger William Mareschall. Marlborough Castle re-opened its gates to the King's friends simultaneously with the castles of Farnham, Winchester, and Chichester.

The admirable conduct of Pembroke, in the short space of three years, freed the country from foreign intrigues, and established civil rights at home. He died in 1219, and was buried in the Temple Church in London, where his effigy may still be seen. His son William appears to have abandoned Marlborough as a residence on succeeding to his father's title, but to have been again in possession in 1227. Five brothers in succession, who all became Earls, died without issue, the name becoming extinct in 1245, a circumstance attributed by Matthew Paris to the judgment of heaven for their refusal to restore certain manors which their father in war-time had taken in Ireland from the Bishop of Ferns, "an holy Irishman," who often demanded restitution, but in failure thereof did put them under ban. Speed thereupon remarks, "One doth indeed observe that the Irish saints are

vindicative, but certainly the examples of punishments for sacrilege and violent extortion are terrible in Holy Scripture." This family was allied to the crown by a double tie, William the eldest brother having married Eleanor the second daughter of King John, and their sister Isabel being the first wife of Richard Earl of Cornwall, John's second son, who afterwards became Emperor of the Romans. Thus it came to pass, that during the animosities which raged between Prince Richard and his brother Henry III, in the early part of his reign, the Pembroke family generally sided with their brother-in-law; the real object of attack being of course Hubert de Burgh, the Grand Justiciary, whose influence over the youthful King was perceived to be absolute.

Another partisan, whom we shall have to notice presently as leagued against De Burgh, was William Longespee or Longsword, Earl of Salisbury, the son of Henry II by Fair Rosamond, and consequently uncle to the present King. His position near the throne, added to the natural impetuosity of his disposition, would doubtless have made him a check on that minister's aspiring views but for his own premature death, which occurred at a banquet given in Marlborough Castle, of which more anon. Throughout the barons' wars he had fought stoutly for his brother John, till the successes of Prince Louis made him waver for a time in his allegiance. He was now carrying the war into Gascoigne, whither he was accompanied by his fiery young nephew, the Prince Richard.

Henry was often at Marlborough. In 1219 he ordered his Christmas festivities to take place here. Lambarde states that he lay here during a long sickness; referring, probably, to the period of 1226, when the name of Raymond de Burgh becomes conspicuous, either as lord of the castle for a short time, or, perhaps, only as a favoured minion of the court. This introduces us to the legend of the nuns of Lacock, and the fortunes of their cherished founder, the Lady Ela, heiress of the earldom of Salisbury. Miss Mary Roberts, in her

Sketches of Old Trees and Ruins, has somewhat expanded the story, and depicted with congenial enthusiasm the lady's early life among the bowers of Amesbury, or at her father's castle of Old Sarum. The less florid version here following is principally derived from Mr. Gough Nichols' *Earldom of Salisbury*, communicated to the Archæological Institute.

At Sarum the Lady Ela has been represented, and no doubt with strict propriety, as a frequent spectator of the combats in the listed field; for it rests on better authority than the invention of fancy, that the earl her father had been constituted keeper of the King's charter for licensing tournaments throughout the country; and "one of the five steads or fields," observes Mr. Nichols, "then appointed for the exercise of tournaments was situated between Salisbury and Wilton, and has been described by our late intelligent historian, Mr. Hatcher, as occupying the tongue of land between the [modern] Bath and Devizes roads; a fine area amidst the downs, which afforded ample space for the lists, and accommodation for thousands of spectators."

The legend then goes on to state, that Ela's parents having died and been buried at Bradenstock Priory, her kinsfolk carried her into Normandy for safe and secret keeping. At that time there was in England a certain knight, named William Talbot, who, assuming the habit of a pilgrim, crossed over into Normandy, and there stayed during two years, wandering up and down to discover the lady's retreat. And when he had found her, he put off the garb of a pilgrim, and introducing himself into her court as a harper, proved to be no novice in the "gentle art." He remained in her household a welcome guest till a fitting opportunity enabled him to carry her to England and present her to King Richard I, who joyfully welcomed her back, and gave her in marriage to his brother, William Longespee.

The period of John's reign we need not retrace, but pass at once to the occasion mentioned above, of Longespee's absence

in Gascoigne in 1226. The war over, the earl sought to return to England, but was cast on shore at the island of Rhe; and for three months no tidings were heard of him, till at length he effected a landing at Cornwall at the time of Christmas. His countess, meanwhile, was anxiously watching for his return to Sarum towers; and, though the mother of four sons and as many daughters, was becoming the object of avaricious speculation to the needy adventurers of the court. No sooner was the earl supposed to be lost than Raymond de Burgh commenced his premature suit. This was a nephew of Hubert de Burgh, the man who, as justiciary, then bore the greatest sway in the kingdom. "It is related that he proceeded in the manner best calculated to attain his ends, by first requesting, through his uncle, the King's sanction to his intentions. Henry having yielded to this petition, provided the countess could be induced to comply, the justiciary forthwith sent Raymond to her in a noble knightly array, to endeavour to incline the lady's heart to his favour. But when Raymond, with flattering speeches and large promises, sought her consent, Ela, with majestic scorn, replied that she had lately received letters and messages assuring her that the earl, her husband, was in health and safety; and added, further, that if indeed her lord were dead, it was not to such as Raymond she would yield her hand, for their unequal rank and family forbade such an union. Wherefore, said she, you must seek a marriage elsewhere, for you find you have come hither in vain." So Raymond de Burgh quitted her presence in confusion, and rode home to Marlborough.

Hardly had he taken his departure from Sarum, when the toil-worn warrior himself arrived, and learnt from the lips of his lady the dishonour which had been practised on her house. His indignation could brook no further delay, and he proceeded at once to the King, who was then lying at Marlborough Castle ill in health. His royal nephew received him with every possible expression of regard, but was unprepared

for the storm of reproaches with which Longespee upbraided the authors of the recent intrusion on his wife's privacy. He roundly told the King, that unless the justiciary were compelled to make full reparation, he would himself seek redress for so great an outrage, though at the risk of a national combustion. De Burgh, unwilling to come to open rupture, made all suitable apologies, presented the Earl, as a token of peace, with a team of gallant horses, and invited him to his table. Longespee was then and there suddenly taken ill; and, having in great pain reached his own castle of Sarum, he expired, as was supposed from the effects of poison. Mr. Nichols conjectures that the long privations of ship-board, followed by the feasting at Marlborough, may possibly have been sufficient to act like poison on his frame, without any dark suspicions adhering to Hubert de Burgh. The nephew, Raymund, was more fortunate elsewhere, for he shortly after married another widowed countess, the relict of Mandeville, Earl of Essex, but did not long enjoy his good fortune, being drowned at Nantes, 1230, by his horse slipping down a steep bank into the river Loire. As for the Lady Ela, she for a while succeeded her husband as Custos of the county of Wilts and of the castle of Sarum, but finally retired into the Abbey of Lacock, which she had founded, and died there (according to the doubtful authority of Aubrey), at the age of one hundred. Speed records the following epitaph on the Earl:

*Flos Comitum Willielmus obit, stirps regia Longus
Ensis vaginam cepit habere brevem.*

Royal-born William, flower of Earls, lies here:
A sheath thus short doth Longsword serve to bear.

But a fresh enemy to De Burgh was quickly in the field. Prince Richard, who had been left with the forces in Gascony, led them back to England shortly after Longespee's death, and was not long in becoming embroiled with his brother's advisers. As Earl of Cornwall, he took occasion to dispossess

a veteran Dutch officer named Waleran, an old and faithful ally of his father, of the castle of Berkhamstead, which he claimed as parcel of his own grant, or at least summoned the occupier to prove his right before his peers. King Henry, acting under the advice of Hubert, ordered his brother to make instant and unconditional restitution or to depart the realm. Richard made answer that he would do neither, and quitting the court unperceived, he rode upon the spur to Marlborough Castle, there to hold consultation with his brother-in-law, the Earl of Pembroke. This was William Mareschall (the eldest of the five brothers), who had married, as above stated, Eleanor the Prince's sister.

The deliberations at this moment taking place in the castle of Marlborough involved nothing short of a renewed civil war. The King had imprudently cancelled the great charters, and this of itself was enough to array against him a vast body of the Barons. The Earl of Pembroke eagerly entered into the plot; and, in making confederacy with his guest, consented to ratify it with the added formality of an oath. In order to constitute a triple compact, Ranulph, Earl of Chester, was then drawn in; and letters being instantly despatched by Pembroke to their several friends, a rendezvous took place at Stamford, where the Earls of Gloucester, Ferrers, Warren, Hereford, and Warwick, with many Barons, appeared at the head of a huge rabble of armed men. A threatening message to the King was the next step, and the next to that was the defection from the league by Prince Richard, the instigator of the whole, who was apparently bought off by a large addition to his patrimony, for the affair ended in smoke, the royal brothers were reconciled, and the charters remained cancelled. This affair took place in 1227, when Prince Richard was only nineteen years of age. In 1231 he married Isabel, Pembroke's sister, almost immediately after which event Pembroke himself died and left his title and estates to his brother Richard. And now another rebellion ensued. The King exasperated the new

Earl by an unsuccessful attempt to possess his demesnes ; and his people, by the licensed rapacity of foreigners. Peter de Rupibus, the Bishop of Winchester, a Poictevin by birth, having ruined Hubert de Burgh, and caused him to be shut up in Devizes Castle (for which see the History of Devizes), was now England's new scourge and the weak King's mal-adviser. Pembroke, backed by several lords, had the courage to head a remonstrance, made personally and in presence of the court, an act of temerity not soon to be pardoned. The King summoned his barons to a Parliament : they attended, well armed, and Pembroke was about to join them, when he received intimation through his sister Isabel, Prince Richard's wife, that a darker fate was designed him : he fled into Wales, and, in concert with Prince Llewellyn, took up arms against his sovereign. Prince Richard now openly deserted his cause, and the Barons' confederacy appeared again broken up, for few seemed disposed to share in Pembroke's desperate fortunes. But while he lost some of his old allies, he acquired a new one by a most dashing manœuvre. It was at this juncture that Hubert de Burgh, dreading assassination in his dungeon at Devizes, took refuge in the neighbouring church of St. John, from which he was most unexpectedly emancipated by a body of gallant knights, who, bursting into the cemetery and scattering a posse of sheriff's men, placed Hubert on horseback and bore him off to the mountains of Wales. One of the principals in this adventure was Gilbert, Lord Basset of Netheravon, in Wilts, though we would not unwillingly accept another version of the story, which seems to represent Pembroke himself as the real captain. It were only in accordance with the other romantic incidents of his rebellion, but is not sufficiently attested. He fell in 1234, at a skirmish in Ireland, by a wound received in the back while "with admirable manhood defending himself;" and the King, sensible at last of his high qualities, loudly bewailed his death, and declared that his peer was not left in England. The

subsequent fortunes of this house we need not pursue, as their connection with Marlborough had already ceased.

Henry III appears to have resembled his father in his attachment to Marlborough Castle as a place of residence, enhanced, no doubt, by its proximity to Savernak Forest and Albourn Chase. Among the following entries from the Rolls it will also be observable how great an interest he always took in the science of architecture, and in the improvement of rural establishments generally. The short and unsettled reign of John had proved in every respect unfavourable to the progress of art; but the succeeding age witnessed a rapid increase in the number of manor houses, and the adaptation of castles to more domestic uses. The donjon, or keep, Mr. Hudson Turner remarks, now came to be "abandoned for a hall and chambers, constructed in the inner inclosure or bailey, and, as necessity required, buildings of wood and plaster, adapted to the various wants of a large establishment, were reared within the enceinte of the walls. It is owing to this change that in almost all surveys of castles made in the times of Henry III and Edward I, the great towers or keeps are described to be in a ruinous condition, and generally roofless. They had been abandoned as inconvenient for habitation; though, from the great strength of their construction, they were still capable, with some repairs, of being used in time of war." (*Domestic Architecture during the Thirteenth Century*, p. 57.) Writs directing the repairs of the King's "houses" in the castles are very numerous during this century, confirming the evidence of MS. illuminations which so often represent a castle as a heterogeneous group of buildings, dominated by one presiding tower or hall. Thus, in the case of Marlborough, it is not difficult to discern, from existing memorials, that the enclosed area must have occupied much the same space as doth the modern college. This was the curia or court, which in process of time came to be surrounded and subdivided by motley buildings, some of stone, but the

subordinate ones of wood, and roofed with no better material than thatch and shingle. These buildings comprised the great hall for convocations and feastings, the King's treasury-house and wardrobe, the Queen's apartments with herbary and garden attached, the chapel of St. Nicholas, kitchens (open at the roof), stables and wood-cellars, and probably towards the river we may place the fishpond, granary, brewery, and kiln. All this was absolutely necessary for the oft-repeated requirements of a royal visit with its expensive adjuncts of retainers and horses. Simon de Montfort, Earl of Leicester, visiting his countess at Wallingford Castle in 1265, brought with him a train of 162 horses, and in that troublous year it would hardly have been safe to picket them outside the walls. Hospitality too was practised by the King and imitated by his nobles on a scale of magnificence which required domestic offices of ever increasing capacity. We find on one occasion the aforesaid Countess of Leicester giving at Dover a dinner to all the burgesses of Sandwich. Henry III, when at Marlborough in 1245, gave order that on the occasion of celebrating the exsequies of his mother late Queen of England, all the poor clerks at Oxford should be feasted in the King's hall there ; and it is by no means improbable that the burgesses of Marlborough were in times of doubtful allegiance entertained in a body by the lord of the castle. Indeed, "the ample jurisdiction, not unfrequently including royalties, granted by the crown to its great tenants rendered every baronial seat, and in its degree, every manorial house, a miniature regal establishment. As the sovereign entertained his court, and the judges of the realm held pleas, in the hall at Westminster, so the lords of honours and manors, aided by assessors, held their royalty courts and courts-baron at their chief seats, administered justice, and entertained and received suit and service of their dependents" . . . "Thus the hall was essentially feudal in origin and purpose, and continued to be the chief feature in every mansion until the decay of that social system in which it had its

origin." (*Ibid.*) Neither must it be forgotten that Marlborough Castle was in 1267 the scene of Henry III's last parliament, when, by the assent of the Earls and Barons, was enacted the famous code of laws so often referred to by legal writers as the "Statutes of Marlborough." On this occasion, the accommodations required for so protracted a sitting must necessarily have been of the most ample kind.

The following illustrations are selected from the various entries relating to Marlborough on the patent, close, and liberate rolls, and Pell records:—

1222. The King to the Constable of the Castle, greeting. We have sent to you Simon Horn, the bearer of these presents for the protection and improvement of our gainery [farm produce] of Marlborough and Ludgershall, according to your advice and counsel. And by the same hand we have sent you .£50, from which you will allow the same Simon for himself, one horse and a boy, five pence a day; and you will cause to be purchased under your own and his sanction, of Arnold Fader and other trusty men of Marlborough and Ludgershall, oxen and bulls for our ploughs, and hay and forage for them, and corn to sow the land; and also erect at Marlborough and Ludgershall oxhouses and other sufficient buildings suited to the requirements of the said gainery; and protect our pasturage in La Berton, according to the terms in force in the times of our ancestors, the Kings of England. Dated from the Tower of London, 7 January.

1222. It is commanded to the Constable of Marlborough Castle that he allow William Brewer to receive as the gift of the King, ten good bream out of the vivarium [preserves] at Marlborough, to be placed in his own vivarium at Stoke. Dated at Keinton, 20 March. [The moats round antient houses served the purpose of breeding fish for Lent as well as for fortification, but what would surprise a modern sportsman is the fact that bream was such a favourite with our ancestors. Though now regarded as a bony worthless variety, its esti-

mation in former days is proved by the proverb that "he that hath a bream in his pond can always welcome a friend." At present it is found principally in Dagenham-breach, but the fresh-water variety delights in the shallows along the margin of large ponds: perhaps therefore as the heron preys on it, one of its uses was to serve as an alluring food for the noble bird.]

1222. John Ferentino [of Florence] is commanded to see that Alexander Bassingburn have £10 out of the farm of the city of Bristol for the repairs of our houses within our castle of Marlborough, the King agreeing to account with the Treasury in that city's behalf. Dated at Westminster, 10 Dec.—Ralph Pagan and his associates have frequent orders for draughts on the Treasury for work done here. Damon de Tudel, Andrew Pampeluna, Peter d'Azay, and Peter de Bareny, who wrought at the projectiles termed ballistæ, are to have 30 shillings a-piece over and above their liberaciones [rations, termed liveries?] In 1223 a mandate is issued to the constable of Devizes Castle, that, under the supervision of the verderors of the forest of Chippenham and two trusty men of the town of Chippenham, he cause to be made in that forest 40,000 shingles, to be delivered to the Constable of Marlborough Castle to aid in the construction of the houses there building, the King accounting with the Treasury as before.

1223. The King commands Geoffrey Savage, keeper of the forest of Savernak, to allow the Prior and Canons of St. Margaret at Marlborough to have thirty pair of roof timbers out of his bailiwick, which the King has given them in aid of the repairs of their houses. Dated at Marlborough, 2 January.

1223. The King commands the constable of Marlborough Castle to allow the wife of Walter Clifford, now making stay at Allington, to have, out of the forest of Savernak, fifteen cartloads of wood for her hearth. And the Master of St.

John's Hospital is to have twenty pair of roof timbers, as our gift.

1223. The King to the Barons of his Exchequer. Credit the Sheriff of Wilts with £160 out of the farm of the manor of Marlborough, being at the rate of £32 for each of the years during which William Earl Mareschall the elder, William Earl Mareschall the younger, and John of Florence, received that sum out of the said manor for the keeping of the castle. Dated at Westminster, 13 Nov.

1223. The King commands his Bailiffs of Marlborough to give, out of the farm of the town of Marlborough, ten marks, to Robert Lupo, for expenses incurred there for our cousin Eleanor. 9 Oct.

1224. The King directs Robert de Meysey, Constable of the castle, to see that the two mows [tassa] of corn, now lying in the castle, be ground, under the supervision of loyal men of Marlborough, and the proceeds applied to the purchasing of two-toothed ewes for the re-stocking of our manor of Marlborough. Dated at Southampton, 6 June. At the same time the Bailiffs of Southampton receive an order to send two millstones to Marlborough.

1224. The King commands the Bailiffs of the forest of Savernak to deliver the rent of the forest without delay to Robert de Meysey, as it used to be in the time of Hugh de Neville and the other Bailiffs of our said forest. Dated at Reading, 11 Oct.

1225. Pay out of our Treasury to the venerable father in Christ, Richard Bishop of Salisbury, £100 for our 15ths, which he lent us at Marlborough, on Wednesday the morrow of the Epiphany of our Lord, in the tenth year of our reign, to pay our expenses. Witnessed at Westminster, before our justices the Bishops of Bath and Sarum. 8 May. (*Pell Records.*)

Pay to Cornubiens, going from Marlborough to London, 9 pence. (*Ibid.*)

Pay to William Cointerell, going from Marlborough to London, 6 pence. (*Ibid.*)

1244. The Constable of Marlborough Castle is commanded to build the Queen's chamber at Marlborough with an upper story, with a chimney below and above; so that the same chamber contain twenty-four feet in width within the walls: and that he make four great well-sitting windows with pillars in the said chamber, to wit, one in each gable, and other two on the two sides of the chamber. And he is to make also an alley of two stories between the King's chamber and the chamber of the Queen. Westminster, 18 January. (*Liberate Rolls.*)

1245. Robert de Mucegros [whom a contemporary document shows to have been lord of the castle] is ordered to make a kitchen in Marlborough Castle for the King's use, a porch before the King's hall, a covered alley from the door of said hall to the kitchen, one window in the hall, and one chamber for the use of the chaplains, also one salsary. 18 March.

In the capacity of keeper of the manor of Ludgershall, he is also to construct an oriel before the door of the King's chamber there, and also one covered alley from the door of the said chamber to the door of the hall; and to paint the piers of the hall of a marble colour, and the history of Dives and Lazarus in the space formed by the gable opposite the dais; and to make an almonry of five posts [*furcis*, i. e. the roof was to be supported by so many wooden piers], together with a wardrobe attached to the chamber of the said almonry; and let the walls be made of torchis and plaster, [*torcheicio*: the French *torchis* is a compost of mud-clay and chopped straw.] Dated from Westminster, 17 March. (*Ibid.*)

1249. The Constable of Marlborough is commanded to construct a new barbican outside the castle of Marlborough behind the King's chamber, and at the same time to repair

the bridge towards the dovecote. He is also to lengthen the chamber behind the Chapel of St. Nicholas, towards the priest's chamber, with an oriol; and rebuild the chamber between the old wardrobe and the aforementioned chamber, with a privy-chamber over the moat of the tower: and repair the houses and walls of the castle and tower where necessary, and make a kitchen within the new tower, and likewise a kiln: and raise the head of the great fish-pond [vivarium] there, and enclose it with a hedge, and repair the bays of the said fish-pond. He is also to erect in the Queen's chapel there, a crucifix with Mary and John, and the Virgin Mary with her Child. In the castle of Ludgershall he is commanded to build a new kitchen with a salsary; also to renovate on all sides the wall of the said castle, and crenellate [embattle] it; and lengthen the passage leading from the hall to the King's chamber, even farther than the door of the Queen's chamber; and make a kiln for the works; and in the King's chapel there place a crucifix with Mary and John, and an image of the blessed Virgin and Child. (*Liberate Roll.*)

1250. The Constable is ordered to scour the great ditch round the castle and to repair it with new bays. Also to make a bell-turret on the western end of St. Nicholas' Chapel, and new lists between the said chapel and the King's kitchen; and a great round window over the King's seat in the great hall; and to crenellate that part of the wall of the Castle extending from the King's chamber to the great tower. Dated at Marlborough, 3 July. (*Ibid.*)

1259. "The Constable of Marlborough Castle is commanded to build a new stable where the old one stood; to place two large glass windows in the two windows of the King's chamber looking west; a glass window in the Queen's small wardrobe, and glass windows in the chamber next to the King's hall: to remove the shingles from the roof of the King's great kitchen and to cover it with stone; to make over the said kitchen a fumerellum [louvre or smoke-escape] and cover it

with lead; to unthatch the outer chamber in the high tower, and cover it with the shingles of the said kitchen, and to crest it with lead; to cap the angles and crests of the roof on the high tower with lead, and to crest the tresance between the King's chapel and the stair of his chamber." St. Paul's, London, 11 May. (*Liberate Roll.*)

Another mandate directs the Sheriff of Wilts to furnish the Queen's chamber in the castle of Devizes with the very desirable accessory of a chimney; and the following, dated from Marlborough, concerning the decorations of Clarendon Palace near Salisbury, will still further illustrate his Majesty's architectural zeal. "The Sheriff of Wilts is commanded to wainscote our chamber under our chapel, and remove the wall which now crosses that chamber, and cause to be there painted the story of Antioch and the combat of King Richard, and let the wainscote be painted green with golden scintillations. Add a door also to the said chamber and a covered way therefrom to the outer chamber already made . . . And remove the plastering of the alure towards the Queen's chamber and repair it with a good stone wall; and cause the new chamber within the park to be whitewashed and bordered, and make images of the Blessed Virgin Mary and St. Edward with cherubim, and place them in our chapel: and re-edify the chimney in our Queen's hall, with two marble columns on each side thereof, and sculpture the mantel of the chimney with the twelve months of the year, and make a 'sporum' in the Queen's chamber, and another in our own, at our head; and also pave the chapel throughout, and put iron kevlis with chains to shut the glass windows. Append also a privy chamber to the chamber beyond the rock, and provide two good cables for the well and for hauling timber. Make also a glass window towards the kitchen, and a paling round the 'herbour,' where Geoffrey de Lezinan our brother lay; and also make two 'sporos' in the Queen's high chamber, and

pave that chamber; and bar the window of our pantry with iron; and make and paint a door to the spiral stair towards our wardrobe, and glass windows for the said stair; and renovate the chimney of our chandlery, and complete in the stable two walls of plaster-work; crest with lead the common privy-chamber outside the great gate, and repair our houses at Clarendon where needful." Marlborough, 2 July.

For these and many other interesting documents of the same kind, the reader is referred to T. Hudson Turner's *Domestic Architecture in England*.

The *Rotuli Hundredorum*, the results of surveys made at the close of Henry III's reign and the commencement of Edward I's, contain much valuable material for the antiquary, but our extracts must be limited. The jury making replies as to the state of Marlborough, furnish the following particulars:—

The King holds the Castle with the borough in his hands, as an antient demesne of the crown; and the Queen-mother at present holds them by way of dowry. The Queen has the return of writs of the said borough, the jurisdiction of trying felons, and the assize of bread and beer.

William de Valence has for the last fifteen years set up a market at Swindon, to the damage of the King's Borough of Marlborough, but by what warrant they know not. The Bishop of Salisbury has done the like [probably at Ramsbury, as that was his seat]. Also Philip Basset the like at Uphaven, now in the hands of the Countess of Warwick.

William Heved has made an encroachment on the King's highway in the town, 8 feet wide and 60 feet long, and has held it fifteen years without payment. William Gramery the like, 10 feet long, 2 wide.

Arnold le Fader has given a burgage and a half burgage in the town to the Priory of Bradenstock, by which 20s. a year are lost to the King and borough. Several other instances

follow of alienations to religious houses in this town, in Reading, Stanley, and Bradley.*

Roger of the Oak, Constable of the Castle, is charged with corrupt dealing in the matter of an imprisoned homicide, whereby Geoffry Hernost [a burgess] loses 40s. Roger of the Oak has received £16. to pay the King's expenses in the Borough, but retains £11. 0s. 6d.; yet credits himself with the treasury for the whole. The burgesses having been amerced before the Justices in Eyre in 25s., Richard of Kingston, sub-constable of the Castle, levied the amount, but gave no acquittance, whereby it is again demanded. The said Richard received of Nicholas Barbeflet, a burgess, 20s. as his tribute for green wax, but gave no acquittance. The sum is again demanded.

The jury have heard that the King used to allow forty marks per annum in time of peace for the custody of the Castle, but do not know how much is absolutely necessary for that service.

The following parties have refused payment of toll in the market: the men of the honor of Wallingford, the Bishop and Canons of Sarum and their tenants, the ecclesiastics of Winchester, the prior of St. Swithin's, the bishop of B., the abbot of Glastonbury, the abbot of Bek and his tenants [this was in favour of the priory of Okebourn, St. George], the prior of Sempringham and his tenants [this benefited St. Margaret's in the town], and the Earl of Leicester and his tenants.

The churches of St. Peter and St. Margaret are in the King's gift. Robert Capellus holds St. Mary's of the dean

* It was in Henry III's great charter that the first provisions were made to restrain alienations to ecclesiastical bodies, who, taking in succession and consequently holding in perpetuity, prevented all future profits to the lord. They were therefore called the dead or unprofitable hand, and the grants were

termed alienations in *mortmain*. Society seems very slow in arriving at the conviction that a man's stewardship ceases the moment he quits this life; for the practice of will-making is still encumbered and stultified by short sighted provisions and [so called] charitable bequests.

and chapter of Sarum, with per annum ten marks. Thomas Capellus holds St. Peter, worth 100s. A jury also make a return of sundry matters relating to La Berton [Barton farm].

HENRY III, at the close of his reign, settled an annuity on his Queen Eleanor, derived from the revenues of various farms, that of "Merleberg" yielding £50. [£18. more than it yielded at the beginning of his reign, and less than half what it rose to in the succeeding reign; though possibly the liberties farmed varied in extent.] The Castle long continued to be the resort or stopping place for the monarchs, as proved by numerous attestations on the rolls. Henry III dates from this place 4 April, 1229; 14 July, 1241; 29 Nov., 1244; 7 Aug., 1245; 21 July, 1246; 2 July, 1250; 2 June, 1258. Edward II, 19 June, 1308; May, 1326; 20 May, 1326, at Okebourn. Edward III, April, 1344; 25 Dec. 1357; 18 Sept. 1358. Henry VI, 11 Sept. 1448; 13 Nov. 1452; to which many might be added. Henry III's great parliament here has already been noticed at page 46. His Queen Eleanor, after his death, resided at the nunnery at Amesbury, and there she was visited by her son Edward I, whensoever, as Speed informs us, he was in the habit of keeping his Easters at Devizes. The following simple tale pleasingly exhibits Edward in the character of a son. He was at Devizes when he heard of the rebellion of David the Welch prince's brother; and having issued prompt orders for the equipment of his army, he rode in a private manner to Amesbury to offer his salutations to his mother, then resident at the nunnery of that place. It happened that the royal lady had recently been holding a colloquy with a person who had contrived to ingratiate himself in her favour by representing himself as miraculously cured of blindness at the tomb of the late King Henry. On Edward's entrance into the presence chamber, she broke out into an eulogistic recital of the wonderful cure; but Edward, who had long been acquainted with the men-

dacious character of the adventurer, lent an incredulous ear to the narrative and sought to disabuse her confidence in the man's honesty. The Queen Dowager, highly incensed, ordered Edward to quit her presence, and the son with dutiful acquiescence retired. At the vestibule, he unexpectedly met an old associate, brother Hugh of Manchester, provincial prior of the friars-preachers, a man of great discretion and a master in theology, to whom he unburdened his mind by relating in order all the circumstances which had excited his mother's wrath, and concluded with the following declaration: "So well," said he, "do I know what was my father's sense of justice, that, rather than restore lost vision to such a rascal, I believe he would sooner have stricken out his two perfect eyes." In a few days, anxious to depart, Edward asked his mother's licence, and quitted the bowers of Amesbury for the rugged marches of Wales. (*Nicholas Trivet's Annals.*)

Queen Eleanor, it appears, was not regularly veiled at Amesbury till 1286, fourteen years after her husband's death, nor until she had obtained from the Pope a licence to keep her jointure. In the course of the same year the annals of Amesbury are still further embellished by the recorded dedication of a distinguished and youthful band of votaresses, in the persons of fifteen young ladies, daughters of the first houses in the kingdom, headed by the Princess Mary, daughter of Edward I. The King himself was present at the ceremony, and supported the Princess at the altar. After the Queen mother's death, Edward gave Marlborough to his own Queen.

1308. EDWARD II, in the first year of his reign, deprives "his most dear mother" the Queen Dowager of the Castle of Marlborough, which she held as part of her dowry, and grants the same to his beloved and trusty Hugh le Despencer (to hold during the royal pleasure). And the knights, freemen, and all other tenants of the said castle are directed to hold themselves responsible to the new lord in the capacity of Constable of the

castle with all appurtenances. And John Abel, the Queen's seneschall at Marlborough, is to deliver up his charge into the hands of the said Hugh. The same writ contains an order to John Bluet, who represented the Queen at Devises, to surrender that manor also to the favourite.—(*Rymer's Fœdera*). "This family is now (1849) honourably represented by Baroness le Despencer, and some of the most illustrious among the nobility are descended from him. The title is derived from the office of royal steward, held in the court of William the Conqueror and some of his successors. In Scotland the office retained its Saxon appellation, and hence we have the distinguished family name of Steward; although, generally speaking, French was spoken at the Scottish as well as at the English court, of which we have a proof in the office of taking charge of the royal table linen having given rise to the name, distinguished in our day, of Napier." (*Campbell's Lives of the Justices*.)

1809. In consequence of a bull issued by Pope Clement V, directing an inquisition into the conduct of the Templars in England and of their grand Preceptor, orders were issued to the various Sheriffs to send the Templars found in their bailiwicks to John de Crumbwell [Cromwell] Constable of the Tower of London. And on the 18 Feb. 1310, the Constable of Marlborough receives a precept to transmit to the Tower Walter de Rockley, a Templar, together with divers others then lying in the castle. (*Rymer's Fœdera*.)

1333. 7th Edward III. Sybilla, widow of John de Mohun, seeks to recover the third part of the manor of Mildenhall from Sir Hugh de Courtenay and Agnes his wife. (*Petitiones in Parlamento*.)

1359. 33d Edward III. The King assigns Adam Burgulon, and Nicholas the parson of St. Peter's at Marlborough [his name does not occur in the Institutions at Salisbury], and Walter Jop, underwood in the forest of Savernak, now in the hand of Joanna the Queen, to be sold to the value of £10, and applied to the repairs of the houses, walls, and other

edifices connected with the castle now belonging to the said Queen. (*Abbrev. Rot. orig.* 6.)

This queen must have been the wife of David, king of the Scots, and sister to Edward III. David having been taken prisoner at the battle of Nevill's Cross, was not released from his captivity at Odiham in Hampshire till 1357, two years prior to the date of the above order. The grant of Marlborough might have been made by Edward to his sister Joanna for her support after David's return to Scotland. That she did so remain in England, seems evidenced by her being buried in the same church (Christchurch in London) as that which had recently received the ashes of her mother Isabella, who deceased in November 1358. The castle then appears to have been entrusted *pro tempore* (a common practice) to the Sheriff of the county, as the next entry will establish.

In the following year Edward III invaded France with an immense army, and ravaged the country to the gates of Paris. A troop of Normans, taking advantage of the defenceless state of England, landed in March at Winchelsea, and amused themselves in a similar manner. When the mischief was done, the inhabitants of London and other towns sent out a fleet, which scoured the seas and took possession of the Isle of Sens. The alarm created in the South of England by this inroad of the enemy will be illustrated by the following order sent to Marlborough Castle, then in the hands of the Sheriff of the county.

1360. 34th Edw. III. The King to the Sheriff of Wilts, greeting. Whereas our enemies of France, in great multitudes of armed men, with their horses, have landed at Winchelsea last Sunday, and have taken the town, and inhumanly slain the inhabitants; and are now scouring the country, committing homicides and burnings: We command you with all speed to fortify our castles of Old Sarum and Marlborough, both with men and with victuals; and contract with persons within your bailiwick for all provisions which shall be required

for this service, &c. &c. 16 March. Dated at Westminster. (*Rymer's Fœdera*.)

1370. Edward III gave the Castle and Manor to Nicholas de Tamworth. Seven years after the grant is made to Roger de Bello Campo [Beauchamp] in the following abbreviated terms : The castle, villa, and barton of Marlborough, with all the mills, and the hundred of Selkley, together with pasture in the forest of Savernak for as many oxen, cows, heifers, and mares as the said barton can supply with forage in winter ; and with pannage for as many swine as the barton can sustain, &c., and all necessary supplies out of the forest for house-bote, haye-bote, and fire-bote [that is, timber for repairing houses, for fences, and for fuel]. And the profits of the whole warren of Marlborough, as well in conies as in underwood growing there, with all appurtenances, for the term of his life, at the yearly rent of £120, saving the military fees, and the pledges [or wages] of the porter [*vadia janitoris*], sustaining the houses in the castle, &c. &c. (*Abbrev. Rot. Orig.*)

In 1393 the name of William Scrope occurs as Lord of the Castle. This was the gallant Sir William Scrope, K.G., created Earl of Wiltshire, and appointed treasurer of England in the reign of Richard II, by which sovereign he was greatly esteemed and employed in numerous important services. He is the person of whom Shakspeare makes the Lord Ross exclaim, while arraigning the partial government of the King—

“The Earl of Wiltshire hath the realm in farm.”

RICH. II, act ii, sc. 1.

On the invasion of Lancaster the Earl of Wiltshire defended the castle of Bristol for the King, but was taken by the usurper's troops and beheaded in 1399, in the lifetime of his father. (*Burke's Commoners*.)

From his brother Sir Stephen Scrope, of Castle Combe, in this county, descended the Wiltshire branch of this distin-

guished family, now represented by George Poulett Scrope, Esq., M.P. for Stroud. Under the superintendence of this gentleman, a beautiful volume has recently appeared, written by himself, and illustrating the personal and national history of this ancient family.

1397, 20th Richard II. Among the charges brought against the Earl of Hereford, it was stated (*inter alia*) that he had entered with force and arms the castle of our Lord the King at Marlborough, and taken thence the goods of Hugh le Despencer, to wit, thirty-six sacks of cloth, six pair of rich vestments, a library, a golden sword (used in the representations of the Crucifixion), crosses of gold, ebony, and ivory, and other ornaments belonging to the chapel, cloth of gold, tapestry, coverlids, priests' wardrobe, &c. [The castle chapel was designated the Free Chapel of St. Nicholas: the first institution to it is dated 1311, though it is mentioned as a fabric as early as 1249.] *The Rectory of Presbury was then the Parsonage, after 1314 the Bishop became Patron. The last institution was in 1417.*

1402. The reply to an inquisition *ad quod damnum*, made in the following reign, furnishes us with the name of the baron who either preceded or succeeded Sir William Scrope. "The jurors declare, that the castle of Marlborough and the manor of Berton were wasted and worsened as much in the time of William Asthorpe as in the time of William Scrope, to the King's loss." 4 Hen. IV.

1464. In the Act of Resumption, 4th Edward IV, whereby the King asserts his power of recalling divers estates into his hands, occurs the following passage: "The King agreeth to this Act. . . . Provided that no exception by his Highness above made be in any wise beneficial or available to any person or persons having anything of his gift, grant, or lease, under any of his seals, or in any of these following (*inter alia*), the manor, borough, and berton of Marlborough." In other words, the King still claims the disposal of this demesne.

Three years afterwards it is confirmed to his Queen Elizabeth, in terms of which the following is an abridg-

ment: "The demeane of Marlborough, with the manor of Berton-cum-Marlborough, and the borough of Marlborough in the county of Wilts, together with the hamlets, meadows, pastures, woods, underwoods, mills, waters, fisheries, parks, warrens in the hundred of Selkley, waifs, strays, and escheats arising thereout, and all assarts in the forest of Savernak, with agists, and pannages; in the same way as Humphrey late Duke of Gloucester held them."

By an exceptional clause in the Act of Resumption, made in the first year of Henry VII, Sir Roger Tocott, knight, is allowed to preserve the manors and lordships of Marlborough, Devizes, and Rowde, together with the constableness of Devizes Castle, grants which Sir Roger already held by letters patent. At the same time John Burley is to retain the portership of Devizes Castle and the office of keeper of the park there. (Sir Roger Tocott or Tocotes was Sheriff of Wilts 4th and 11th Edward IV and 1st Henry VII.)

In the above documents it is observable, that though the manor of Marlborough is mentioned, no reference is made to the constableness of the castle, whereas separate allusion is made to the castle of Devizes, which it is well known was the residence of Duke Humphrey; and as, moreover, both manors were held in the same hand about this period, it seems a legitimate inference that Marlborough Castle must have been dismantled some time previously, probably during the wars of the Roses. Here, therefore, its history as a feudal stronghold may be presumed to cease, though we are not on that account to suppose that the spot was ever deserted as a residence. A portion of the donjon or keep, on the summit of the mound, survived till the reign of Henry VIII, when it was visited by the antiquary Leland, the buildings at the base of the mound still continuing to constitute the habitable part of the fortress, and these, through various changes, have ever retained the title of Marlborough Castle. The following (necessarily imperfect) list of names is designed to present at one view the

lords or constables of the castle until the period of its passing from the Crown into the hands of the Duke of Somerset, temp. Edw. VI, after which time the descent was by inheritance.

HOLDERS OF MARLBOROUGH CASTLE AND BARTON, WHETHER BY
MILITARY SERVICE OR IN FEE.

In the time of Edward the Confessor, Alured de Merlebergh [?]

Stephen.—Robert Earl of Gloucester, and under
him John Fitz-Gilbert.

Henry II.—John Earl of Mortagne.

6 John.—Adam Tison

8 John.—Hugh de Neville.

4 Henry III.—William Earl Mareschall
William Earl of Mareschall, jun.

7 Henry III.—John Ferentino.

9 Henry III.—Robert de Meysey or Mucegros.

12 Henry III.—Raymund de Burgh (?)

13 Henry III.—William, Earl Mareschall.

31 Henry III.—Robert de Mucegros.

38 Henry III.—Reginald d'Acle.

40 Henry III.—Hugh de Garget.

42 Henry III.—Robert Waleran.

47 Henry III.—Roger Lord Clifford.
Stephen Fromund of Winchester.

52 Henry III.—Eleanor the Queen.

55 Henry III.—Roger de Quercu.

56 Henry III.—William de Wyke.

Edward I.—Roger de Radeham.

Edward I.—Roger de Mortimer.

27 Edward I.—John Abel farmed it under Margaret
of France, the Queen, at £120.

1 Edward II.—Hugh le Despencer.

8 Edward II.—William Bonecliffe.

14 Edward II.—Oliver de Ingham.

- 15 Edward II.—William de Ramshull.
Robert de Aspale, held under Isabel
of France, the Queen.
- 83 Edward III.—Joanna the Queen.
- 44 Edward III.—Nicholas de Tamworth.
- 50 Edward III.—Roger de Beauchamp.
- 18 Richard II. — Sir John de Roche.
- 17 Richard II. — Sir William Scrope.
William Hasthorpe or Easthorpe.
- Henry V.—Sir Walter Hungerford of Farley,
received 100 marks per annum
from the town and Castle of
Marlborough.
- 29 Henry VI.—Humphrey Duke of Gloucester,
popularly known as the Good Duke.
- 4 Edward IV.—John Seymour of Wolf Hall.
- 22 Edward IV.—Elizabeth Woodville, the Queen.
- 1 Henry VII.—Sir Roger Tocotes or Tocott.
- Henry VIII.—Queen Katharine Parr.
- Edward VI.—Sir Edward Seymour, Earl of
Hertford.
- 19 James I.—Sir Francis Seymour, Baron Trow-
bridge.
- 16 Charles II.—Francis, second Baron Trowbridge.
- 17 Charles II.—Francis, third Baron Trowbridge,
and ^{5th} Duke of Somerset
- 29 Charles II.—Charles, ^{7th} Duke of Somerset.
Algernon, ^{8th} Duke, date un-
certain, as he occupied the castle
long before the decease of his father.
- 24 George II.—John Manners, Marquis of Granby.
- 20 George III.—Thomas Brudenel Bruce, Earl of
Ailesbury.
- 55 George III.—Charles Brudenel Bruce, Marquis
of Ailesbury.

SAVERNAK FOREST. 1334, 8th Edw. III.—An important suit, which took place this year, urged by Robert de Bilkemoore, who was disturbed in his occupation of that office in Savernak described as the west bailiwick, by Henry le Sturmy, chief forester or ranger, offers a suitable occasion for detailing the limits of the several jurisdictions in the forest, and appending a few miscellaneous notices illustrative in a more general way of its history.

The Savernak Forest of modern times is but a fragment of what it once was, and there is reason to think that the district has been more than once dis-afforested. The periods of its origin and of many of its changes are alike involved in obscurity. The seat at Tottenham Park was built in 1717, from a design by the Earl of Burlington, wings being added in 1722, at which time also a variety of drives were cut through the forest; and the great avenue to Marlborough is stated to have been planted in 1723. But granting that this is the true account of much that we now see, is it unreasonable to suppose that the traces of Roman design are still patent? or that the outlines of a remote antiquity may have formed the basis of modern arrangements? Two or more Roman roads traversed the forest; while a tessellated pavement, 200 yards in front of the house, with a straight track therefrom, pointing to the Roman villa of Rudge, together with the remains of another tessellated pavement in Broyl woods, two miles south of the house, all bear evidence to the fact that the vicinity of the station at Cunetio was the chosen residence of distinguished persons.

At the juncture of the eight roads, Earl Charles at one time intended to erect an octagonal tower. In Queen Elizabeth's time a gibbet stood on this spot, surmounted by a pair of ram's horns, in commemoration of the hanging of a notorious sheep-stealer surnamed Brathwaite (from the place of his nativity in Cumberland). In fact it is impossible to say when the present disposition of the forest, in its main features, did

not exist. Aubrey's account, descriptive of the numerous avenues, was written long before the new house was built. The external limits of the forest, as they remained long subsequent to the Conquest, are however better known. These we will now trace.

Starting from a point on the road from Hungerford over Collingbourn Down, called Wyteweye or Ridgeway, where it is crossed by the track from Totterdown, the line proceeds westward to Faleston [~~Barnston~~ ^{Easton}?]; thence by the way leading to Estone [Easton], passing northwards through the middle of Estone, so that the east part of that villa remain within the forest, and the west without; thence westwards to Ganghull [Easton Wick?]; thence along the head of the villages of Middleton [Milston] and Fyfyde [Fifield near Pewsey], so that both these villas remain outside the forest; thence to the tumulus within the villa of Pewsey; thence northwards to the gibbet at Wyppeshull belonging to the prior of Bradenstock; thence to the road leading to Warekweye; and thence on to Kennet water. Following the stream downwards till the line reaches the bridge of Ellecot [Hillcot]; it then quits the Kennet, and ascends at Enesbury [Hens Wood] to the king's highway leading to Hungerford; thence along the way from Enesbury to Hungerford, to the House of the Lepers, outside the town of Hungerford; thence descending the Hungerford water to the mill of Cherleford; and from that mill, by the green way passing between Foxele [Foxley Wood] and Bantele, on to Chaldefeld; thence to the west side of the great ditch at Yngepenne [Inkpen]; thence ascending the downs to the villa of Spraye; thence ascending to the Little Hog [otherwise described as a mound], where the three counties of Hants, Wilts, and Berks unite [a spot marked on the modern ordnance map as Buttermere Corner]; thence along the green way, descending between the woods of William Bugg on the right, and the woods of the Prior of Okebourne on the left, so that the woods of William Bugg

[Buttermere Copse] remain within the forest, and those of the Prior [Combe Wood] remain outside; thence by a certain footpath to the head of the hamlet of Henley; thence descending through the valley of Henley to the croft of William de Botes [apparently skirting the present Fosbury Woods, by the county boundary, and advancing in the direction of Conholt House]. Descending thence westwards, along the valley of Whippynscombe or Huppingscumbe, now Hippenscomb Farm, on to La Strete [otherwise called Stretegete, a point on the Roman road from Andover to Marlborough, marked in the ordnance map as Totterdown]; and from La Strete, by the green way, which conducts us to Wyteweye, where the survey commenced. Such were the bounds subsequent to the time of Geoffry Esturmy, when, by the award of John Byset, Justiciary of the Forests, a part of the bailiwick of Hippenscombe was granted to Avicia de Columbar, the owner of Chute Forest. The portion thus detached may be traced by starting south from Buttermere, and instead of deviating west towards Henley, embrace the "Wells of Farnham," or the modern village of Vernham; and thence ascending by the green way leading into the Roman road aforesaid, probably at Conholt House, continue on that road to La Strete. [In two distinct descriptions of this disputed boundary different names are used. In the accord made with the Lady Avicia, 43d Henry III, the following nomenclature occurs. Beginning at a point south of Godeyeveyete, the line is said to pass by the ditch of Ockolt (Conholt?, the ditch may refer to the embankment at Hampshire Gate, near the park); thence to the head of Haselhangre; thence along the bottom of the valley, and the antient way, to the Herbery; and from the Herbery, along the antient way, to Stretegete. For his recognition of this claim, on the part of the Chute foresters, Henry Esturmy received from Avicia twenty-five marks sterling. See the Appendix.]

Over all this district the Esturmys, by homage to the

Crown, were hereditary rangers or wardens, deriving from that office sundry privileges to be hereafter enumerated. But the more immediate rights of occupancy were shared also by the owners of the various bailiwicks into which the forest was cut up. The peculiar bailiwick of the Esturmys, called La Verme, embraced, though it also exceeded, the present park of Savernak or north portion of the forest. The other bailiwicks were those of the West Bailey, of Southstones, of Bedwyn, and of Hippenscombe. The West Bailey, as its name indicates, constituted the western limits; taking in a large portion of the Pewsey vale, and bounded generally by the roads from Marlborough to Pewsey, and to Burbage. The bailiwick of Southstones [Sutton near Burbage?] was the southern district, including the Graftons, and reaching to Chute Forest, near Collingbourn. The Bedwyn bailiwick, long in the possession of the Harden family, was a narrow strip along the south side of the modern canal, and may be defined generally by the road from Wexcombe to Hungerford; and from Hungerford back again through the Bedwyns to Wilton Common. In this district the names of Harding and Broyl are still attached to farms near Great Bedwyn. To explain this term of Broyl, it may be remarked that the term bailiwick was frequently interchangeable with "bruelli" or woods. Thus the expression Bruelli de Bedwyn became corrupted to Broyl of Bedwyn, and Broyl Woods. Lastly, the bailiwick or bruelli de Hippenscombe formed the eastern extremity of Savernak Forest, carrying it into Hampshire. The extreme point at Vernham, before the excision of that angle from the Hippenscombe bailiwick, was thirteen miles in a straight line from the western boundary of the forest.

These subordinate bailiwicks being held *in capite* under the King, the owners enjoyed throughout their own domains the same privileges as the Esturmys claimed in La Verme, such as dead wood, windfalls, cheminage or toll for the passage of goods, herbage and pannage during certain months,

with housebote and hayebote, &c.; only they were subject to his supervision, and liable to the pressure of his stronger hand. But perhaps more than enough has already been said to serve as preamble to the suit Bilkemore *versus* Esturmyn, referred to at the commencement.

Robert de Bilkemore's wife was Anastasia Harden, consequently one of a family which had long occupied an important standing in the forest. As the daughter and heiress of William of Harden, she held of "Madame the Queen" the fee-farm of certain lands and houses in conjunction with the West Bailey, by the annual tribute of fifty-two shillings to the Castle of Marlborough. Upon these premises her husband had at first lodged his complaint against the Esturmyns for divers encroachments, in the session of Eyre at Salisbury, before Master Robert de Ufford, Justice of the Forest, and his associates; but the case being remanded thence to be adjudged by triers in Parliament, and having been adjourned from Parliament to Parliament to the great vexation of the plaintiffs, they beg the King to compel Robert de Ufford to give their claims a hearing. The forms of procedure, in their original garb, are a jumble of Latin and Norman-French. It will only be necessary here to give the English of the two principal documents, the claims of the Harden family and the claims of the Esturmyns; though the latter does not appear in the light of a reply to any specific charges so much as a counter-statement of more universal dominion in the forest. [Harden is possibly a corruption of Harwedon; if so, Robert de Harwedon, Justice Itinerant in 1305, may hypothetically be included in the family, for he held, besides the Survey of the Forests south of the Trent, the custody of Rockley Manor near Marlborough; and in his capacity of justice acted as deputy to Hugh le Despencer, a connection likely to arise out of the occupation by the latter of the Castle of Marlborough.]

The plaint of Robert and Anastasia Bilkemore, A. D. 1334, 8th Edw. III.

"To our Lord the King: Sheweth, That Robert de Bilkemore and Anastasia his wife hold certain lands and tenelements of our Lady the Queen, together with the Westbailiwick of the Forest of Savernak, and the enclosures of Iwode and Bourham, paying annually thereon fifty-two shillings to the Castle of Marlborough; which lands and tenelements, upon the death of Master William de Harden, father of the aforesaid Anastasia, whose heir she is, were by Master Robert de Aspale seized into the hands of the Queen Isabel, to whom the castle and forest had been recently assigned, Robert de Aspale being her seneſchall. Which Robert de Aspale, by the brief called '*Diem clausit extremum*,'* having made inquest in the usual form, and Robert de Bilkemore and Anastasia having sued the Queen that Robert de Aspale by her commandment should give them livery of the said lands and bailiwick, and receive the oath of the said Robert de Bilkemore as one of the foresters. Such oath was by Master Robert de Aspale, at that time Justice in Eyre of the Forest, recorded in open Court at Salisbury; by which record the said Robert de Bilkemore was recognised by the Court as forester, and accepted by the entire session in Eyre. And in the said Court he laid his claims accessorial to the said bailiwick, and produced mainprize to the Court as bond for such claims until adjusted by the King's Council. Upon all which, commandment was made in open Court to Henry Sturmy, seneſchall of the said forest, to allow peaceable possession to the said Robert de Bilkemore and

* *Diem clausit extremum*. A writ issuing out of Chancery to the escheator of the county upon the death of any of the King's tenants in capite, to inquire by a jury of what lands he died seized, and of what value, and who was the

next heir. This writ was to be granted at the suit of the next heir, for upon that, when he came of age, he was to sue livery of his lands out of the King's hands.

Anastasia, in virtue of the said mainprize, until their claims should be adjudged. But the said Henry, not disputing the aforesaid livery of the bailiwick, nor the oath received and recorded, nor the precept to him made by the Court, has denied to the said Robert and Anastasia the exercise of their rights; and wilfully disturbed them, in spite and contempt of the Court of our Lord the King, to the encroachment on the lordship and sovereignty of the said forest, to the disinheritance of our Lord the King, and to the great loss of our Lady the Queen. By which also the bailiwick aforesaid is destroyed both 'in vert and venison' [in timber and deer]. Moreover, within the said bailiwick the said Henry has reduced Keynes to his pleasure, together with the livery of Keynes, all within the forest aforesaid, which hitherto had been in the gift of our Lord the King, or of our Lady the Queen, unless carried to their expenses while resident in Marlborough; and this without granting to the said Robert anything in the nature of a certificate whereby he might account for the same. Respecting all which outrages and burdens the said Robert hath sued to our Lord the King and his Council, and challenged by brief the said Henry to cease therefrom, and to have respect to the command of the Justices; and hath exhibited to him the Queen's letter, the precept of the Court, the mainprize aforesaid, &c. But the said Henry refuses to obey, wilfully setting at nought the lordship and sovereignty of the forest, and stopping the course of the law, to the disinheritance of the petitioners, who now pay annually their fee-farm without benefit. On account of which burdens, and others too numerous to recite, committed from day to day by the said Henry, to the disinheritance of our Lord the King, to the great loss of our Lady the Queen, and also to secure the future integrity of the bailiwick aforesaid, *MAY* it please our Lord the King to apply some speedy remedy, and compel Henry Sturmy to answer these and other charges which will be laid against him, notoriously tending to the disinheritance

of the King, the great loss of the Queen, and the destruction of the forest."

"*Response*.—Let this petition be handed, by brief, to the Guardian of the Forest of Savernak, that he may hear the complaints therein contained, and do right and reason."

Whether or not justice in this matter was ever administered with an even hand the records fail to declare; but that preliminary steps were taken with this view the following counter-plaint of the Esturmy family indisputably shows. The document is an interesting one in other respects, since, from its being drawn up by the family, it probably exhibits every privilege to which as chief foresters they had any shadow of a claim.

"Whereas Henry Sturmy, Henry his son, and Margaret the wife of the same Henry, the son of Henry, hold of the Lord the King, *in capite*, the manors of Borebach and Conelesfeld with their appurtenances, in the county of Wilts, by the service of guarding the bailiwick of the entire Forest of Savernak, and the farm called 'La Verme' in the said forest; and also by the service of finding one man armed with hauberk, whensoever the King shall require his services within the seas. By virtue of which guardianship of the forest and farm aforesaid they claim all the following rights and appurtenances, that is to say,—All the foresters of the fee of the whole of the said forest shall be beholding and responding to them as the capital foresters of the forest. They hold of right the equipage, saddle, bridle, sword, and horn of the foresters of the fee, whensoever they move abroad [in that capacity]. They claim their necessary allowance for house-bote and haye-bote throughout the whole of the aforesaid bailiwick. Also all the fines levied on defaulters in the Court of the aforesaid forest; And all pleas concerning hares, nets [?], coney-traps, badgers, foxes, wild cats, and partridges; And all penalties for the trespass of animals, and

for dead wood throughout the whole year, except during the fence-month;* And all their domestic animals, excepting two-tooth sheep and goats, are free of herbage throughout the year, and their swine free of pannage throughout the whole year except the fence-month. Also they have liberty to impound stray cattle,† found throughout the entire forest, and to receive the fines for the expeditation of dogs;‡ And they have the eyries of the hawks, the honey, and nuts,§ and hips|| throughout the forest, after discretionary examination made; And they have free chace throughout the bailiwick of the said forest for hares, foxes, wild cats, badgers, and all such like vermin; And they claim the dead wood in the farm of 'La Verme' during the three weeks previous to Christmas, the three weeks before Easter, and the three weeks before Michaelmas, that is to say, such as has fallen without the aid of a cutting weapon; and they claim in the said farm whatever is thrown down by the wind, over and above the underwood which belongs to the King; And they have the after-pannage from Martinmas to Candlemas; And all the top and lop [or bark?] of the timber, whether thrown for the use of the Lord the King, or given away by him; Also the toll

* The fence-month included the fifteen days before and fifteen days after Midsummer, during which period no man was to pass through the forest, and swine were driven away lest they should devour the fawns.

† Such cattle to be their own if not claimed within a year and a day after proclamation made in church and at the two nearest market towns on two market days. Such at least was a claim sometimes exercised.

‡ The expeditation of dogs was the mutilating the feet of all dogs living in the neighbourhood of a forest, performed by cutting away the ball of the foot or extracting some of the claws, a practice repeated every three years, or saved by a penalty of 3s. 4d.

§ Honey and nuts. The extensive use of mead by our ancestors, together with the want of such an article as sugar, occasioned a vastly greater cultivation of honey than is required at the present day. This is evidenced by the returns in Domesday Book. In the matter of nuts, Aubrey, speaking of Cranbourn Chase, observes, "The nuts of the Chase are of great note, and are sold yearly beyond sea. They sell them at Woodbery Hill fair, &c., and the price of them is the price of a bushel of wheat. The hazel trees in North Wilts are red and not so tough, more brittle." (*Nat. Hist. of Wilts.*) The principal use of nuts was for the extraction of oil.

|| *Cippos*, a word used also for stocks.

for digging sand, and that levied for carriage throughout the whole said farm; and the pasture of a certain corner of the heath beyond the covert. Now it is admitted that the aforesaid Henry Sturmy, Henry his son, and Margaret the wife of the same Henry, the son of Henry, and all the ancestors of the said Henry, and all the tenants of the manors aforesaid, down from the time wherein the memory of man standeth not, have been accustomed wholly to enjoy all the above-mentioned profits as of right pertaining to the said guardianships, up till the Friday last before the Feast of the Blessed Virgin Lucia, in the sixth year of Edward the present King; on which day the Iter of the forest, in the said county, was shut by John de Tychebourn, William de Ponte Roberti, and John de Makelsfield, the King's Justices in Eyre, associated with Robert de Ufford, though Robert was absent; wholly debarring the petitioners from the aforesaid perquisites, to their manifest disinheritance. Wherefore the said Henry Sturmy, Henry his son, &c., upon these premises, pray that redress may be administered to them."

The chief forester's horn, or rather ivory tusk, to which reference has been made in the above document, is still preserved at Tottenham; and at the meeting at Salisbury, in 1849, of the Archæological Institute, it constituted an interesting item in the temporary museum. It is about two feet long, and at the wider end nearly six inches in diameter; a mouth-piece of silver-gilt, embellished with figures in enamel, finishes the other end. It has three silver borders or hoops, beautifully embossed and engraved with representations of hounds, stags, lions, squirrels, unicorns, hawks, a king, a bishop, and a forester blowing a horn. The belt belonging to it, and depicted in the Seymour pedigree, is of green worsted, with buckles and hinges of silver-gilt, adorned with figures; and fourteen silver bosses having armorial shields, indicating a somewhat remote antiquity. The above

account is abridged from that of Dean Mills in the *Archæologia*, vol. iii.

When we read of the grant of the "Warrens at Marlborough," which was occasionally made to the Constables of Devizes Castle, we ought not perhaps to regard it as having any reference to Savernak. Still, the chief forester's office, prior to the granting of the estates in Edward VI's reign to his uncle the great Duke of Somerset, was by no means a monopoly. In Blount's *Tenures* another little perquisite appears lopped off. "Sir John Maltravers seneschall of the King's household, and King's forester south of Trent, claims to have from every forester in Savernak and elsewhere in Wilts, at his death, his horse, saddle, bridle, horn, sword, bow, and barbed arrows." For the other rights and immunities of the forest Justiciaries, the reader is referred to the standard works on such subjects. An extract from the learned Manwood on "the true character of a forest" must close our remarks on the mediæval age.

"As a forest in its own proper nature is the most highest franchise of noble and princely pleasure that can be incident unto the crown and royal dignity of a prince, so the next in degree unto it is the liberty of a frank chase. A chase, in one degree, is the self same thing that a park is, and there is no diversity between them, save only that a park is enclosed, and a chase is always open and not enclosed. And therefore the next in degree unto a frank chase is a park. The last and next in degree unto a park is the liberty and franchise of a free warren. And therefore because a forest in dignity is both the highest and the greatest franchise, being also a general and compound word, the same doth comprehend in it, chase, a park, and free warren; and for that cause the beasts of chase, and the beasts and fowls of warren are privileged within a forest, as well as the beasts of the forest." (*Treatise on Forest Laws*, chap. 1, sec. 5.)

The fowls of warren, he tells us, comprehend only the

pheasant and the partridge : the beasts of warren are the hare and the coney. Treating of the hart, he gives the following nomenclature, "the first year you shall call him a hynd-calf or a calf, the second a broket, the third a spayad, the fourth a staggerd, the fifth a stag, the sixth a hart."

Aubrey, treating of forest beasts in this county observes, that "upon the disafforestations" which in his time had but recently taken place, "the marterns were utterly destroyed in North Wilts. It is a pretty little beast and of a deep chesnut colour, a kind of polecat, less than a fox, and the fur is much esteemed, not much inferior to sables. Martial says of it, 'Venator captâ marte superbus adest.' In Cranbourn Chase and at Vernditch are some marterns still remaining." (*Nat. Hist.* p. 59.)

"King Charles I sent for some wild boars out of France and put them in the New Forest, where they much increased and became terrible to travellers. In the civil wars they were destroyed, but they have tainted all the breed of the pigs of the neighbouring parts, which are of their colour, a kind of soot colour." (*Ibid.*)

"At Albourn is our famous coney-warren, and the conies there are the best, sweetest, and fattest of any in England, a short thick coney and exceeding fat. The grass there is very short and burnt up in the hot weather, [hence] tis a saying that conies do love roast meat." (*Ibid.*)

John Speed in his description of Wiltshire (1611) reckons nine forests, one chase, and twenty-nine parks. Whereupon Aubrey adds, that allowing intervals of four or five miles, a stag might have ranged from the north of Wilts to south Hants by taking the following covers: Bradon Forest, Grettenham, and Clockwoods, thence to Bowood, to Calne and Pewisham Forest, Blackmore and Gillingham Forests, Cranbourn Chase, Holt Forest, the New Forest. "Most of these forests," he observes, "were given away by King James I. Pewisham Forest was given to the Duke of Buckingham, who

gave it, I think, to his brother the Earl of Anglesea. Upon the disafforesting of it, the poor people made this rhyme:—

When Chippenham stood in Pewsham Wood,
Before it was destroyed,
A cow might have gone for a groat a year,
But now it is denied.

“The metre,” Master Aubrey goes on to observe, “is lamentable, but the cry of the poor was more lamentable. I knew several that did remember the going of a cow for fourpence per annum. The order was, how many they could winter they might summer, and pigs did cost nothing the going. Now the highways are incumbered with cottages, and travellers with the beggars that dwell in them.” (*Ibid.* p. 58.)

1502. November. The following extracts represent a class of entries occurring in the privy purse expenses of Elizabeth of York, Queen of Edward IV.

“Paid to John Duffin for riding from Berkley Herons to Pevesham and Blakemore to the Lord Saintmond; from thence to the park of Corsham; from Corsham to the Devizes; from thence to the forest of Savernak to Sir John Seymour for bucks for the King’s grace, and from thence to Fairford [co. Gloster] by the space of eight days, at ten pence the day . . 0 6 8

“Item, to the same John for his costs in riding from Langley to Savernak for certain bucks left behind, by the space of four days, at ten pence the day 0 3 4

“12 Sep. Item, to John Duffin, for riding to the keeper of the park of the Devizes, and for bringing of six bucks thence to the Queen 0 6 8

1541. “32 Henry VIII. At Hampton Court: present, the Lord Privy Seal, the Great Chamberlain of England, the Great Admiral, the Treasurer of the Household, the Comptroller of the Household, the Master of the Horse, the Vice-Chamberlain, and Sir Thomas Wriothesley the Secretary. Whereas the Bishop of Sarum wrote a letter unto Sir Thomas Wriothesley, knight, one of the King’s two principal secre-

taries, declaring unto him in the same, by way of complaint, that Edward Darrel, gent., who had married the daughter of Sir William Essex, knight, one of the King's Highness's ordinary Council, had of late entered into the park of the said bishop, called Ramsbury, and there hunted his deer, having no licence of him for the same: Albeit the said fact being against the King's Majesty's laws and statutes, and to the breach and disturbance of the good and quiet order and rule of this realm, was thought worthy of sharp correction and punishment, to the fearful example of others that else would attempt to do the semblable; yet the Council aforesaid, having regard to the wisdom and degree of the said Sir Thomas Essex, and somewhat also considering the youth of the said Darrel, wrote two several letters, the one to the said Darrel, commanding him to repair to his said father-in-law and to ensue such order and determination as he [Sir William] should take with him in this matter; the other letter to the said Sir William Essex, declaring unto him as well the said complaint against the said Darrel, as also the cause whereby they were moved to remit the hearing and order of the matter to him: And therefore required him to call the said Darrel forthwith before him and to examine him gravely and substantially of the whole circumstances of his said misdemeanour, and thereupon by his good counsel and advertizement to reduce him to a better conformity and temperament, and to advise him to use himself both towards the said bishop and towards all others, as shall appertain: Further requiring the said Sir William Essex to signify unto them his proceeding with the said Darrel in this said matter accordingly."

The family of Darrel, or Dayrell, was established in England by one of the followers of William the Conqueror, and numerous divergent branches soon flourished in various counties, principally at Calehill and Scotney in Kent, at Sesay in Yorkshire, at Littlecote in Wilts, at Pageham in Sussex, and at Trewornan in Cornwall. The Littlecote line was founded

by William Darrel, sub-treasurer of England in the time of Richard II, who married Elizabeth, daughter and heiress of Thomas Calston, Esq., lord of Littlecote, and acquired with her that estate. By a proviso in an act of 14th Henry VIII, for the King's maintenance, confirmation is made to Sir Edward Darrel, knight, and his heirs, of and for the manors of Wexcombe, West-Bedwyn, Burbage, Savage, and Orcheston, with their appurtenances, in the county of Wilts, previously granted unto the said Sir Edward by the king's letters patent, dated at Westminster, 6th March, in the thirteenth year of his "most noble reign." (*Rolls of Parliament*, 1523.) His descendant, Edward Darrel, Esq., the subject of the above examination at Hampton Court, married Elizabeth, daughter of Sir William Essex, and had (with a daughter Eleanor, the wife of Egremund Ratcliffe) a son and successor, William Darrel, the person who in the time of Queen Elizabeth alienated the estate of Littlecote to Sir John Popham, the judge who tried him for the murder supposed to have been committed in Littlecote House. The tradition of this mysterious affair and of the consequent ruin of this branch of the family may be seen in so many forms that it need not be here recited. (See *Aubrey*, *Scott's Notes to Rokeby*, *Burke's Commoners*, *Rev. C. Lucas's (of Devizes) Metrical Version*, *Britton's Wiltshire*, &c.)

"Walter Scott founds a beautiful ballad on the legend; but instead of a midwife skilled in the obstetric art to assist the lady, introduces a more poetical character, 'a friar of orders gray,' to shrive her, and he sacrifices the mother instead of the child, without saying a word of the trial before Popham." (*Campbell*.) The last three stanzas are as follows:—

"The shrift is done, the friar is gone
Blindfolded as he came :
Next morning all in Littlecote Hall
Were weeping for their dame.

Wild Darrel is an altered man
 The village crones can tell ;
 He looks pale as clay, and strives to pray
 If he hear the convent-bell.

If prince or peer cross Darrel's way
 He'll beard them in his pride.
 If he meet a friar of orders gray,
 He droops and turns aside."

"Judge Popham left behind him the greatest estate that had ever been amassed by any lawyer, some said as much as £10,000 a-year. His son John spent profusely what the father had gathered so carefully. According to Aubrey, this son was the greatest housekeeper in England, and would have at Littlecote four or five or more lords at a time. His wife, who had been worth to him £6000, was as vain as he, and said 'that she had brought such an estate, and she scorned but she would live as high as he did;' and in her husband's absence would have all the women of the country thither, and feast them and make them drunk, as she would be herself. They both died by excess and by luxury ; and by cosnage of their servants, when he died, there was £100,000 in debt. The family retained a remnant of the Chief Justice's possessions at Littlecote for two or three generations, and then became extinct." (*Campbell's Chief Justices.*)

The inscription appearing in two of Mr. Britton's accounts of Ramsbury Church, and which, from the mis-printed name *Dariel*, may seem at first sight to refer to the above family, has no existence but at Presbute, where it commemorates the Daniels, (*not* Dariels), of St. Margaret's near Marlborough, a totally distinct family, whose monument was erected a century after the Darrels of Littlecote had become extinct. Moreover Mr. Britton builds thereupon the assertion that a branch of the Darrels was settled at Ramsbury. The entire mistake must surely have arisen from his trusting to incorrect hearsay.

CHAPTER III.

THE REFORMATION—MARLBOROUGH A SUFFRAGAN SEE—TWO PROTESTANT MARTYRS—DR. EDMUNDS, OF ALBOURN—BISHOP SHAXTON ORDERS POPIISH RELICS TO BE BROUGHT TO HIS HOUSE AT RAMSBURY—SUPPRESSION OF RELIGIOUS HOUSES—ST. MARGARET'S—ST. JOHN'S—THE WHITE FRIARS—TEMPLARS AT ROCKLEY—OKEBOURN—EASTON—AVEBURY.

THE REFORMATION.—The documents connecting Marlborough with this great national movement are not numerous. At least the only facts known to the writer are limited to the following: the appointment of Marlborough as a suffragan see, and the testimony to the Protestant faith borne by two martyrs. [In the catalogue of Thomas Moule's library, sold in 1852 by Sotheby and Wilkinson, lot 723 was described as "William Tyndale's Prologue to the Romans, printed probably at Marlborowe, *circa* 1526." The Marlborowe there mentioned is a German town.]

1534. Contemporary with the act which declared Henry VIII head of the English Church, another act was passed making provision for twenty-four suffragan bishops, and twenty-four new sees were named; a system designed as a revival of the order of Chor-episcopi, existing in the primitive Church. They were to exercise such jurisdiction as the bishop of the diocese should entrust to them; the term of their commission in like manner depending on his will. The object of the institution was declared to be "for the more speedy administration of the sacraments, and other good, wholesome, and devout things, and laudable ceremonies; to the increase of God's honour, and for the commodity of good and devout people." Marlborough was the only town in Wiltshire appointed for a suffragan see.

MARTYRS.—1558. Two Protestant professors in Marlborough, permitted to bear the high honour of sealing their faith by sentence to the flames, under the Marian persecution, are specified by the simple title of John Hunt and Richard White, husbandmen. They were prosecuted at Salisbury; and “being both condemned to die,” says Fuller, “were little less than miraculously preserved; for when the writ *de comburendis hæreticis* for their execution was brought to Master Michell (under-sheriff to Sir Anthony Hungerford, a worthy knight), instead of burning the prisoners he burnt the writ; and before the same could be renewed Dr. Geoffry (the bloody chancellor of Salisbury, who procured it), and Queen Mary, were both dead, to the miraculous preservation of God’s poor servants. Of this Master Michell,” Fuller further remarks, “I find this character, A right and a perfect godly man. (*Fox’s Acts and Monuments*, p. 2655.) Under-sheriffs generally are complained of, as over-crafty, to say no worse of them; but it seems hereby that the place doth not spoil the person, but the person the place.” (*Worthies of England*, by Dr. Thomas Fuller, art. *Wilts.*) [I am not aware that any Wiltshire topographer has noticed the copious correspondence between Latymer, when minister of West Kyngton in this county, and Sir Edward Baynton of Bromham, given by the martyrologist Fox.]

DR. EDMUNDS, Vicar of Albourn, appears to have been one of the Cambridge conclave, requested by Henry VIII to draw up a set of propositions, by way of advice, in the matter of Queen Katharine’s divorce. In Burnet’s *History of the Reformation* may be seen an interesting letter to him from William Buckmaster, vice-chamberlain of Cambridge, describing his carrying the propositions to Windsor, and his interview with the King. Their opinions on the point of the Pope’s dispensing power seem to have been given too timidly to please Henry; but the messenger got twenty nobles for his

pains and came away. The same work contains the charge issued by Shaxton, Bishop of Salisbury, directing all the old rags, rotten pieces of wood, decayed bones, or any other such like rubbish, usually passing for relics of the Virgin, the cross, or of saints, to be conveyed to his house at Ramsbury.

The period of the suppression of monasteries, by Henry VIII, offers a suitable occasion for taking a brief notice of the various religious houses in and near Marlborough.

The Priory of White Canons, of the Sempringham Order, dedicated to St. Margaret, was a flourishing community, deriving its revenues, besides the rectory of Kennet, from "temporalities" in the following places: Marlborough, Elcombe, Monkton, Yatesbury, Lockeridge, Clatford, Manton, East Grafton, and West Grafton. Among its early benefactors the names of Philip Francis and Richard Eyre, both of Lockeridge, are recorded. Henry III gave to this house all the land in "La Berton;" and from Edward III the brethren obtained a grant, entitled "Relaxatio de decimis ferculorum Regis quoties Rex venerit Marlburiam, ex concessione Regis Henrici." (*Rot. Claus. m. 28, 8th Edw. III.*)

At the general suppression its revenues were estimated at between thirty and forty pounds. The site and buildings were at that time granted (in an exchange) to Anthony Stringer. The antiquary Leland, who visited the spot shortly afterwards, states that "one Master Daniel" then dwelt there. Disdaining the shelter of the town walls, this establishment was seated on the south bank of the river Kennet, about a quarter of a mile from the town. The house still stands.

The Hospital of St. John the Baptist, besides the oblations offered by the faithful in its chapel, held temporalities in Marlborough, Highway, Okebourn, Mildenhall, The Field of Oare, Manton, Lockeridge, and East Kennet; but notwithstanding this apparently extensive rent-roll, its revenues at the dissolution were estimated at only one-fifth of those of

St. Margaret's. Edward VI, by letters patent, bearing date

*The Rev. John Ward has a list of the institutions to the Priory between
A.D. 1315, & 1510. The Patron was the Mayor and Burgesses.*

16th October, 1550, granted this Hospital, with all its lands, houses, and appurtenances, to the Mayor and Burgesses of Marlborough, for the erection of a free grammar school in the "City of Marlborough," of which more hereafter.

The House of White Friars, founded in 1316 by two merchants of the town, John Goodwin and William of Ramsbury, was situated near the middle of the town, between the main street and the river. It escaped the various conflagrations to which Marlborough has from time to time been subjected, and was only finally destroyed in 1820, when, on part of the original site and with the old materials, a dwelling-house, still denominated the Priory, was erected. One of the deep recessed windows of the antient fabric is still preserved, as also the oaken door by which the house is entered. It is now the residence of William Neate, Esq. *and the prop. of John Neate*

Another hospital, the site of which is doubtful, existed here in the beginning of the reign of Henry III, but was annexed by Richard II to the Priory of St. Margaret's aforesaid. It was established for the sustenance of a master and several poor sick brethren, and was dedicated to Thomas à Becket of Canterbury, otherwise called "St. Thomas the Martyr." Leland states in his journal that he had heard say that St. Peter's was a nunnery without authority. He also notices a chapel of St. Martin, at the east end of the town. *knowing to*

Rockley, a small hamlet within the parish of Okebourn St. Andrew's, was the site of a preceptory belonging to the Knights Templars, in the reign of Henry II. After the Reformation it was granted to Sir Edward Baynton and his wife Isabel.

At Clatford, Ralph de Mortimer, in the time of Henry II, founded a priory, subordinate to the Abbey of St. Victor en Caux in Normandy.

The alien Priory of Okebourn St. George, founded 1149, by Matilda of Wallingford, was a cell belonging to the Abbey of St. Mary, of Bek-Herlewin, in Normandy. It was a very

*+ Son of John Merriam of Kensing, son Esq. mentioned in page 50.
The Priory was bequeathed to him by his Uncle Nathaniel - in 1655
after the death of Mr. Merriam the Widow. She died in 1687.*

wealthy community, possessing both the Okebourns and many other manors. An incidental proof of which is afforded by Edward I, in 1300, remitting to the prior a recently levied fine of £508, an immense sum for that day. In 1404, in consequence of great complaints made to the King in Council, as to the influence of French alien priors residing in England, an intimation was sent to the Prior of Okebourn (as also to others of his order), that he might continue to remain in this realm only on condition of his giving security not to discover the counsels or secrets thereof.

At Easton, south of Marlborough, Stephen, Archdeacon of Salisbury, founded, in the reign of Henry III, a hospital or priory for canons of the Trinitarian Order, for the redemption of captives. At its dissolution its annual value was estimated at £42. 12s.

The Manor of Avebury, in the time of Henry I, was given by William de Tankerville to the Benedictine monks of St. George of Boscharville in Normandy, forming the basis of another alien priory in this neighbourhood. It was seized into the King's hands, 13 Henry IV, and granted to the College of Fotheringay, Northants.

CHAPTER IV.

MUNICIPAL HISTORY—ROMAN MUNICIPIUM—MEDIÆVAL BOROUGH—
TOWN MEETINGS—CHARTERS—DISPUTES WITH THE MEN OF
SOUTHAMPTON—PROCEEDINGS IN THE COURTS—BYE-LAWS—
CHAMBERLAIN'S ACCOUNTS.

"THE antient World did not know a free nation beyond the municipal limits, and therefore had no representative government." (*Bunsen's Hippolytus and his Times.*)

Some writers, in their zeal for the elective franchise, have sought to carry the representation of boroughs in parliament back to a period long antecedent to the Conquest, and to institute a sort of parallel between the Saxon Wittenagemot and the modern Parliament. Such attempts only obscure the real history of towns, and tend to shut out of view another class of facts far more suggestive of their antient dignity and independent standing. It is quite true that when they began to send delegates to the national councils, all resident householders had a voice in their election, but it is a much older truth—that for centuries they had asked council of no foreigner, and were indebted to their own prowess and unanimity for the maintenance of their liberties, customs, and even their very existence. In one word, the early English boroughs were in most cases the relics of Roman *municipia*. They had lost (some of them) their Roman names, and in a vast many instances, dominion over the circumjacent territory once attached to the old city or town; but they had retained through the four hundred years of Saxon intrusion, the internal economy of government almost untouched. The old *curia* still survived in the common council or governing body, and the *duumviri* in the two bailiffs or reeves. The *principales* became the aldermen; Guildmerchant was only the modern name for the

collegium or trade-company, and the hereditary transmission of civic distinctions still continued to be observed. The surrounding lands alluded to above, though generally fallen into the possession of Saxon chieftains, left their traces in the rights of common, or the occupation of some fragments, more or less curtailed of their former possessions, still attached to several boroughs. Take our present subject for an example. Cunetio, the primitive Marlborough, occupying the heights of Folly Farm and the site of the present Mildenhall, probably embraced within its jurisdiction the whole of Savernak Forest; and the practice still retained, of the townsfolk turning out their horses there, may possibly be a trace of the antient possession. To this we may add the barton of Marlborough, and also the lands still regarded as the common property of the burgesses (or rather the equivalents of those lands, for Portfield and the Common were received in exchange for others, soon after the Conquest). Then we must remember that as Roman burials were always extramural, this points to another track of land which there is reason to think is the same now occupied by the modern town, the proofs of which are given in another place. Under the Romans, civic distinctions were the reward of military service: the towns arose from a military foundation. This at once illustrates and explains the power enjoyed by the Roman Municipium over an extended circumjacent neighbourhood. All this became changed when the Saxons arrived in this country. They at first abstained from residence in towns, they built no boroughs, and merely occupied themselves in dividing the intermediate lands. Their insulated position as lords of the soil induced them to form compacts among themselves for the local administration of justice, resulting in the division of the country into shires and hundreds, and the holding of courts defined by such divisions; but from all these rural associations and courts, the boroughs were entirely exempt, or perhaps we ought rather to say, excluded; and for centuries after, it remained their distinctive feature that they were independent

of the Sheriff's "tourn." Of this, more hereafter. And notwithstanding the fact that many of the towns themselves fell to the share of Saxon freebooters, this seldom militated against the maintenance of their antient internal management. Their annual tribute (otherwise payable to the King) was enjoyed by the chieftain in whose lordship they happened to be included, but they still tried their own criminals, and held their own court-leet. While the Saxon lords therefore, and the Saxon thanes, and under them, the old Romano-British population as bondsmen, occupied the country, the Roman citizens continued to hold the towns; and by the interchangeable influence of the aristocratic feelings of the landholders on one hand, and republican principles of the towns on the other, was finally laid the foundation of modern society. All this has been so ably treated and enforced by Mr. T. Wright in his recent work *The Celt, the Roman, and the Saxon*, that further proof in this place is unnecessary.

It has been stated above that the Saxon chiefs gradually encroached on the landed possessions of the towns lying without the walls. The extent to which this was carried, is of course conjectural; but it seems clear from the frequent descriptions in Domesday Book of "the meadow," the "ploughland," or "the wood," still appertaining to this or that borough, that the species of spoliation here referred to was not completed till a much more recent period. Theodulveside, for instance, the modern village of Tilshead, on Salisbury Plain, ranking according to that survey as the second town in Wilts, is therein stated to possess eight mills. Now as no waterworks could ever have existed at Tilshead, at least within the historic era, these mills could be no other than those now in the parish of West Lavington, at a distance of five miles; and they constitute a striking memorial of the continuance of an antient appendage, dating probably from the time when Tilshead acquired its importance from standing on the Roman causeway between Sorbiodunum (Old Sarum) and Aquæ Solis (Bath).

The study of the landholders seems to have been to leave no other occupation to the inland towns than mere pedlaring and petty manufacturing. Thus the burgesses were induced to look more and more to the King for protection, and to apply for written charters confirmatory of their fast disappearing privileges. These charters come into notice principally under Henry II and his sons, when it became the policy of the English monarchs to seek the support of the independent burghers against a turbulent feudal aristocracy ; but they are hardly ever to be looked upon as legal instruments creating new institutions—on the contrary Mr. Wright affirms, and with great reason, that they are rather to be considered as a proof of the antiquity, than of the novelty, of the privileges they grant.

It is worthy of remark, by the way, that in these early charters two essential elements seem wanting. They make no provision for the details of municipal government, and they leave untouched the doctrine of representation at the national councils. The reason is apparent. The first had been settled for ages ; the second was not an object of their desire. As will be apparent in the first Marlborough charter, to be presently given, the desires of the burgesses were limited to freedom of trade, exemption from county concerns, and from that system of intermeddling with their own jurisprudence which arose out of the technical assumptions practised or claimed in the local courts of the neighbouring lords. It was to the sovereign they looked, and not to the great land-owners in Parliament assembled. When in course of time the system arose of sending burgesses to represent a town, it was felt to be a burden rather than a privilege. The deputies thus commissioned had to be paid their expenses by their fellow-townsmen, and in this, as in other respects, the system appeared to many a poor borough productive of so little practical advantage, that several preferred to discontinue it altogether.

The Saxon laws prominently exhibit the grand personal

division of society into bond and free. All males to be free-men, or law-worthy, were, at the age of twelve, to assume the responsibilities of their position by swearing allegiance, either at the sheriff's court or at the borough court. If a man were not a landholder, and had no wish to be an agricultural slave, it was his interest to repair to the town, where, by enrolling his name at the court-leet as a burgess and submitting to the customs of the place, he became an independent person. He professed allegiance to none but the King, and his court of justice was always close at hand. Wherever he gave his personal service, there he was a burgess, and to the court-leet of that place he was amenable. He might hold of other manors, and do suit at the courts of such manors, but personal service was required only at one place. On this point the 'Statutes of Marlborough' are very explicit, providing in chap. ii, that "no lord shall destrain any to come to his court who is not of his own fee, or over whom he has no jurisdiction, nor shall make distresses beyond the limits of his own fee;" clearly establishing the limited and local nature of jurisdiction.

Residence did not in itself constitute a claim to burgesship, for peers, ecclesiastics, minors, females, villains, or serfs, and persons of infamous character, were exempted. Still less did it depend on tenure alone; that is to say, a man was not a burgess of Marlborough because he held a house here, yet lived at Devizes. There are entries in Domesday for almost every county, which fully establish that burgesship did not depend upon tenure without residence, for many burgesses of one place are described as belonging to distant manors. Some of the Cricklade burgesses, for instance, belonged to the manor of Albourn, which is ten miles distant; and to Ramsbury, which is nine; to Badbury, Pyrton, Liddington, Lediard, Clive, Chiseldon, and Colecote. Now, their being burgesses of one place, yet tenants under another manor, shows that it was not by their being tenants they became burgesses, otherwise they would be burgesses of the manor under which they

held, and not of the place where they resided. In other words, burgesship was acquired, not at the court-baron, but at the court-leet; and antient burgesses may therefore be defined as the free, permanent, inhabitant householders, associating for their mutual security in a town, which was generally walled, though not always so; presented, sworn, and enrolled at the court-leet of their borough; and thereby recognizing the duty of "paying scot and bearing lot;" that is, contributing to the public charges, and performing in turn the military or civil duties imposed uniformly upon all.

As one of the characteristics of a borough was, that it should be separate from the interference of the sheriff, the burgesses had the returns of all writs, and were, in the language of the time, "to be quit of suits of shires and hundreds" (see King John's charter to Marlborough); as a necessary result of which exemption, they were required to give their pledges in their own courts, or be amerced if they did not provide them. While all freemen were to do service at some one leet, no man was to be subjected to two different leets. In those boroughs, therefore, where the jurisdiction, civil and criminal, was complete, or where a reeve, mayor, bailiff, or other king's officer, existed as a substitute for the sheriff, there the sheriff was altogether excluded. But if it should come to pass that the number of inhabitants in a place were so reduced as to take away the necessity for such separate jurisdiction, then the borough, by operation of law, was dissolved, and again became part of the county; or, to use the language of the 'Mirror of Justices,' temp. Edward I, "what cannot be redressed at the view of frank-pledge by these presentments, is presentable at the sheriff's next tourn;" so that the instant any place having a court-leet ceased to present that which was inquirable at the leet, the jurisdiction of it immediately reverted to the sheriff, with all the profits thereto appending; by which simple expedient the due inquiry into these matters was preserved with regularity, and the local jurisdiction of the

district adjusted itself, by the ordinary course of proceeding, to the varying changes of population. More than fifty boroughs might be mentioned, which, either from poverty rendering them unwilling to pay their representatives, or from diminished numbers, or from some other cause, renounced their independency, and were not again restored. The boroughs in Wiltshire which followed this ordinary law were Mere, Tilshead, Sutton (Mandeville?), Bradford, Highworth, and Warminster.

How then can we account for the separate representation till recently of such a place as Old Sarum, when by the operation of law and custom it should have been absorbed into the sheriff's bailiwick more than three hundred years ago? The explanation seems to be that its decadence was taking place at a period when a seat in Parliament, from having been a burden came to be regarded as an object of ambition, and valuable consequently to the crown as a vehicle for court influence. This was during the reigns of the early Tudors, and the change of opinion which rendered Old Sarum a pocket borough must have made large progress before the first parliament of Queen Mary, when Sir Nicholas Throckmorton and John Throckmorton, Esq., burgesses of the castle of Old Sarum, elected *themselves* "pro nobis et nomine nostro et nomine totius burgi predicti."

Boroughs were sometimes intermittent in their returns. The sheriff of Wilts, 12th Edward III, makes his return of citizens for New Sarum, and burgesses for Marlborough and Devizes, and concludes with these remarkable words: "There are no other cities nor boroughs within my bailiwick." Dr. Brady, in his History of Boroughs, has declared in consequence, that it rested with the sheriff to pronounce the attribute of representation in favour of such places only as it suited him to nominate. But as such a power was no part of his delegated authority, we must rather assume that the fault lay with the boroughs, if fault it were. The practice merely proves that

the independence of towns was a privilege long antecedent to and utterly unconnected with, representation. It also indicates how little interest the burgesses of England generally felt in the discussion of national affairs in the supreme councils. They knew that they were a despised race in the eyes of the feudal aristocracy, and their principal care, therefore, was to be left alone in the undisturbed enjoyment of their commercial privileges.

Representation, when at last it became a marketable article, brought in with it vast confusion of ideas as to its legitimate basis. It became confounded with the doctrine of corporation; and hence the anxiety of some of the lawyers of the seventeenth century to prove this or that town, though unchartered, to be still a corporation by prescription, meaning thereby that it had been so beyond the time of legal memory, whereas it is notorious that towns sent members to Parliament 150 years before municipal corporations came into use. Some urged that the use of a common seal proved incorporation, though (to go no farther) Heytesbury and Great Bedwyn had common seals, though they were never incorporated. And Dr. Brady asserted that all boroughs arose out of mercatorial guilds. A charter of incorporation gives to a body of persons the power of holding property and of suing and being sued in a collective capacity, but it would be difficult to prove that such was the original constitution of all citizens and burgesses, either in the Roman municipia, or in their representatives the mediæval boroughs. On the contrary, the various members of these communities were perfectly independent one of another, devising their estates to whom they would, and handing down their freedom and other privileges hereditarily to their heirs, and not, as in ecclesiastical bodies and mercatorial guilds, to official successors. Still it must be admitted that from the Roman period downwards there always existed a governing body, and when representation, as a novel privilege, arose in mediæval times, it was very natural for the chief men in a

borough to profit by the example of the guilds practising among them and to assume the exclusive control. In cases such as Marlborough there was, it is true, but small excuse for shutting out the masses, for the first charter of incorporation to this town, viz., that of Elizabeth, includes in the body corporate the entire number of burgesses, and we have already seen who the burgesses were. But the thing worked its own cure. The exclusive body, in the very nature of things, became more intensely exclusive, till, reduced at last to some half-dozen individuals, they invited by their insignificance the sweeping hand of reform. This gradual change in the constitution of the governing body will be manifest in the ensuing pages; and perhaps it is hardly necessary to add, that no blame is intended to be cast, either on our forefathers, or on our more immediate predecessors, who, no doubt, read their own position quite as well as we can read it for them. The magnanimity with which many a vested right was relinquished at the passing of the Reform Bill, by peer no less than commoner, forbids the unnecessary imputation of sordid motives in the working of the system which gave it birth. Let us now, by means of documents still extant at Marlborough and elsewhere, get such insight as we may into the manners and customs of the mediæval borough.

CONSTITUTION OF THE BOROUGH.—There were no less than four distinct courts held for the management of civil and criminal affairs: the court of pie-powder; the court-leet, or view of frankpledge; the King's, or mayor's, or three weeks court; and the court of morrow speech, that is, morning speech.

The court of pie-powder appears to have been holden at all fairs, and also generally on Saturday or market-day. Entries from the time of Henry VII are still extant, and references still older. Its object was the summary jurisdiction of all causes of dispute arising out of transactions at fairs and

markets, where the suitors and claimants would of course be often of the wandering tribe. Hence the name is supposed to be derived from pied-pouldreux, or dusty-foot, corrupted now into 'pedlar.' For an early reference to this court see under date 1474.

The court-leet, or view of frankpledge, Marlborough possessed in common with all other boroughs. Here it was that the names of all resiants were chronicled and the burgesses' pledges taken. But there were also other offices performed, such as presentments by juries as to nuisances and obstructions and offences against the assize of bread, ale, wine, and measures. In very early times presentments in Marlborough were made by the aldermen of the five wards, viz., the Bayle, the High Street, Kingsbury, the Green, and the Marsh; afterwards, by their respective juries. As the registering of burgesses became obsolete, this court merged into and became equivalent with the borough quarter sessions.

The court of morrow (or morning) speech was holden four times in each year, viz., formerly on Fridays, but latterly on Wednesdays, next before the feast of St. Peter, next before the Annunciation (when the mayor was chosen), next before the feast of St. Michael (when the mayor was sworn), and next before the feast of St. Martin; and except in a very few instances, was usually held with what was termed the Mayor's or three weeks' court, from the 12th of James I. downwards; at which, besides the election of officers of the borough, *i. e.* mayor, justices, aldermen of the wards, high constables, sergeants-at-mace, and bailiffs (all annual offices); and also the common council and persons admitted burgesses or free-men were there sworn. At more recent periods, that is, till the late municipal reform act, it had become the practice to swear in the justices and also the constables of the five wards at the Michaelmas quarter sessions and leet. At the morrow-speech court all the burgesses were required to be present and hold conference together, and feoffment and conveyances

were proclaimed and enrolled at this court. Latterly, as is well known, it had become a close meeting in the hands of the select body.

The King's court, or the mayor's court, or three weeks' court, granted by King John, appears to have resembled the law hundred court of the borough of Colchester, where actions personal and mixed were levied by plaint, and the hundred-courts of the sheriff; but no pleadings in Marlborough are more antient than the year 1651, when there are entries of several suits pending, real and personal actions, the latter unlimited as to the amount of the debt; and down till the recent changes in municipal government this court continued to claim cognizance of debts to any amount.

What renders especially interesting the record of these popular convocations of the burgesses, and the internal self-management connected therewith, is the fact that just while the system was beginning to wear out in this country, it was transplanted to America by the Pilgrim Fathers, and has continued to flourish in New England to the present day. Modern American writers, ignorant apparently of the independence of the old boroughs of the mother country, are in the habit of attributing the "town meetings" of New England to an invention of the Pilgrim Fathers, who undoubtedly put it into practice in Massachusetts, but who, it must also be remembered, were well acquainted with the theory of democratic government prevailing not only in the towns of England, but in the free cities of Holland, where they had long resided. But perceiving little of the kind now left in Britain, Mr. Baylie, in his History of Plymouth, Massachusetts, quoted by Dr. Cheever, regards "the origin of town governments as involved in some obscurity," and adds, that it is "a system neither known in England nor prevailing in the southern states" [of America]. This would certainly not be true if written of England two hundred years ago, and still less true if referred back to the Roman era. It is now sufficiently

manifest that subsequent to the seventeenth century there have been too many opposing external elements at work to allow of its expansion in this country; but that we have not derived unmixed good from its decline will partly appear from the annexed additional extract from Mr. Baylie's work, where, while recounting the advantages of the modern local courts, we may almost fancy him depicting with fresh life the antient 'Morrow Speech' of Marlborough.

"Those who are strangers to our customs are surprised to find the whole of New England divided into a vast number of little democratic republics, which have full power to do all those things which most essentially concern the comforts, happiness, and wants of the people. Under the government of these little republics society is trained in habits of order, and the whole people acquire a practical knowledge of legislation within their own sphere. To this mode of government may be attributed that sober and reflecting character almost peculiar to the people of New England, and their general knowledge of politics and legislation; many distinguished orators and statesmen having made their first essays in town meetings." (*Baylie's Plymouth*, quoted in *Cheever's Pilgrim Fathers*.)

KING JOHN'S CHARTER TO THE BOROUGH OF MARLBOROUGH.

JOHN, by the grace of God, King. Know ye that we have retained in our hands our Borough of Marlborough with all things pertaining to it. And have there established, given, granted, and by this present charter confirmed the Fair at Marlborough to be held every year for eight days, at the feast of the assumption of the blessed Virgin Mary, that is to say, on the eve of the said feast and seven days following. And we have granted that all men of all lands as well our own as others, who are in our peace, may resort to our aforesaid fair, and shall go and return well and in peace, and shall enjoy all the quit-tances and liberties which they possess in the fairs of Winchester or Hoyland or elsewhere in our land. And we have granted

that our burgesses of Marlborough and their heirs shall hold a market within their borough every week throughout the year on two days, to wit, on Wednesday and on Saturday, with all the liberties and free customs which our citizens of Winchester or of Oxford or others in our dominions hold or ought to hold in their markets. And we have granted that the aforesaid borough of Marlborough and all our burgesses therein being tenants of it and dwellers in it and their heirs shall be quit and free of all toll arising from pannage,¹ pontage,² passage,³ pedage, paage, pesage,⁴ stallage,⁵ and lastage,⁶ whether in shires or hundreds, and from the suits of shires and hundreds. And from the summons and aids of Sheriffs and their servants, and from all pleas and complaints [foreign to the borough] except pleas of the Crown. And they shall be free of murder and blood-wite,⁷ and of fight-wite,⁸ and of lecher-wite,⁹ and of church-shot.¹⁰ Also from fosterlean,¹¹ and from scotale,¹² and from the redemption of widows,¹³ and from brewingable.¹⁴ And they shall not be required to attend on the forest guard,¹⁵ or

¹ Pannagium — Forest-feeding for swine.

² Pontagium—Toll levied on the passage of bridges.

³ Passagium, pedagium, et paagium, all have reference to passage either by land or sea. Passagium and paagium Spelman treats as synonymous. Under Pedagium he has the following: "Pedagia dicuntur quæ dantur a transeuntibus in locum constitutum a principe. Et capiens pedagium debet dare saluum conductum et territorium ejus tenere securum, adeo ut si aliquis spoliatur teneatur ejus domus terras rapinari rescire."

⁴ Pesagium—Tribute levied on the weighing of goods.

⁵ Stallagium—Ditto, for the erection of stalls in fairs and markets.

⁶ Lastagium—Originally freight or ballast of ships, generally a tribute on the carriage of goods.

⁷ Murder and blood-wite—Penalty

to which a place was liable for blood-shedding, if the offender remained undiscovered.

⁸ Fight-wite—A fine of 120s. levied for making a match to fight.

⁹ Lecher-wite—Penalty recovered by the lord of a fee for familiarity with his bondswoman.

¹⁰ Church-shot—Measure of wheat paid to the parson on St. Martin's day.

¹¹ Fosterlean—Brides' jointures.

¹² Scotale—The extortionate maintenance of an ale-house within a forest for the benefit of an officer of said forest.

¹³ Emptio viduarum—Fines payable to the lord to allow them to re-marry.

¹⁴ Brewingable—*Bryean-capel*, brewing tax.

¹⁵ Regardum forestæ—Periodical visit of the forest authorities to examine the bounds and note dilapidations and encroachments.

regard, or sale. And they shall be quit of all other secular exactions as well by sea as by land, whatsoever part of our dominions they may traverse. And we have granted that the aforesaid borough of Marlborough and our burgesses there holding and dwelling and their heirs shall have and hold their houses and possessions of us and our heirs, with quittance of soc and sac¹ of tholl and thea, of infangthef and outfangthef,² throughout our demesnes, and with all liberties and free customs; so that they, as well and in peace and as freely and quietly may have and hold their possessions and liberties, as do our citizens of Winchester or Oxford, or as others of our subjects [if any such there be] holding them in still more free and undisturbed enjoyment. And we have granted to our said burgesses of Marlborough their own guild-merchant, prohibiting them however from decisions by duel,³ according to the laws of Winchester. And if any customs shall have been unjustly levied in war, let them be abolished, saving to us and our heirs our talliages, rents, and customs, not mentioned in this present charter. And wherever debts shall be owing to our said burgesses, and in whatever bailiwick, they shall have power to compel payment through the bailiff, where they can show reasonable cause. And we have granted that no one of them shall be subjected to destraint throughout our dominions for the debt of another, unless he be a surety or the capital debtor. And we forbid that he shall be put to suit concerning any tenement of the said borough unless such plea be heard within the borough; and this shall be conducted according to the law of our city of Winchester. And we forbid on penalty of

¹ Soc and sac—Importing jurisdiction over the territory which belonged to the lord. Tholl or toll, referring to the liberty of buying and selling. Theam, relating to the forfeiture of stolen goods; and Infangthef, to jurisdiction over theft.

² Infangthef—Privilege claimed by the lord of judging theft committed within his fee; Outfangthef giving the

further privilege of judging the thief in his own court, if dwelling in his fee, though taken up in another place.

³ Duellum—A mode of deciding causes by the quarterstaves of champions; a kind of plebeian wager of battle. Dalrymple states that this prohibition was frequently inserted in the charters of towns.

forfeiture that any one disturb them in anything touching the premises: for we have granted all these things to them, excepting in every respect the liberty of our city of London. Dated at Winchester, 20th June, 1204.

1228. Henry III granted on the same day two charters to the town, one being an *inspeximus* and confirmation of the charter of John, and the other a grant of a fair, to be holden every year for four days at a place called Newland. [St. Martin's fair, held on the Green or Common called Newlands as having been recently obtained by exchange.]

1245. "For the men of Marlborough. The King to the Archbishops, &c.: Know ye, that in the name of Ourselves and of our peers, we do will and grant that for the improvement of our town of Marlborough a fair shall henceforth be holden there in the parish of St. Peter, around the church without, and within the churchyard, to continue for four days every year; to wit, on the eve and on the day of the Apostles Peter and Paul, and the two following days. Witness, Richard de Clare, Earl of Gloucester and Hereford; Stephen Longespee, &c. Dated at Marlborough, 11 March, in the 30th year of our reign."

1238. A dispute having arisen between the traders of Marlborough and those of Southampton, 23d Henry III, respecting toll exacted by the latter, the affair ended in an amicable concordat or fine made in the King's Bench, and afterwards confirmed by Royal Charter as follows:—

"For the men of Marlborough. The King to his Archbishops, &c., greeting: Know ye, that whereas a suit hath been moved in our Court between our good men of Marlborough, plaintiffs, and our good men of Southampton, defendants, concerning the toll which the aforesaid men took from our men of Marlborough, contrary to the liberties which they hold by the charter of King John our father, and also as they allege by our own charter: Nevertheless, by and with our licence it hath been agreed between the parties after the

following wise,—That all our men of Marlborough, who will swear that they are in the guild-merchant of that town, shall be for ever quit of custom or toll in the town of Southampton; and continue to enjoy all their liberty in whatsoever things the men of Southampton can, within their own liberty, acquit the said men of Marlborough. And in like manner the men of Southampton shall be quit of all custom and toll in the town of Marlborough. We therefore, desiring that the said agreement may for ever continue firm, for us and our heirs, grant and confirm the same. Witness, Richard, Earl of Poitou and Cornwall, our dear brother, &c. &c. Dated at Westminster, 17 June.”

This it will be perceived was, to some extent, a limitation of the privileges granted by King John's charter; but as it appears that the grant to Southampton was prior in date, and as moreover the point in dispute had reference to matters of commerce, it seemed but a fair adjustment of the difficulty that those burgesses of Marlborough, who in future were to enjoy the privilege of free trade with their rival, should be that class who, over and above their burghship, sustained the additional burdens and duties of the guild. Thus the matter remained for several years, when a Southampton merchant again disputed the premises.

The following is extracted from the Year-Book, 39 Edw. III, fol. 15, p. 13.

“One J. . . . a citizen of Marlborough, brought a writ of trespass against the bailiff of Southampton, and declared that King Henry granted to those of Marlborough that they should be quit of toll in every place of England. And inas-much as the said J. came to Southampton and bought a cask of wine, and would have conveyed away the cask, we brought a writ of prohibition of the Lord the King; and notwithstanding this he distrained us for twenty shillings, wrongfully and against the peace and prohibition, which grant is confirmed by our Lord the now King.

“Wickingham. Sir, we say that King John had a custom in Southampton, to wit, for every cask of wine sold, 8*d.*, which custom he granted to them of Southampton by his charter, rendering to him yearly £200. And the plaintiff came and purchased a cask of wine, and we levied of him 8*d.* which is nothing but a custom and not a toll. And moreover, it was granted by King John, that the charter should not be defeated by any subsequent charter.

“Judgment, if you may assign wrong in our person.

“Wickingham. To this we say, that there was a dispute between the men of Marlborough and those of Southampton in the King’s Bench, in the 23*d* year of the King that now is, at which time it was agreed that those of Marlborough should be quit as well against those of Southampton, as those of Southampton against those of Marlborough, and of this an exemplification was heretofore made between the parties, and it was confirmed by the King. And we demand judgment and pray our damages.

“Belknap. Sir, you know very well, he grounds his action upon the King’s grant [to Marlborough], and this ground we destroyed [by the priority of the Southampton grant], and now he maintains it by reason of an agreement made between us : so that he hath departed from his writ. Judgment of the writ.

“Wickingham. Sir, at first he pleaded in bar against us by reason that this was a custom, and we have talked of an agreement made between us, which strengthens our charter, and is pursuant to the same. Wherefore we demand judgment.

“Thorpe to Belknap. Will you say anything else ?

“Belknap. Sir, you well know, the Deed took place before, whereby it was agreed between us, which sounds in covenant ; and by this writ we shall make fine and ransom. Therefore he ought to have brought his writ in covenant, and not this writ. Judgment of the writ.

“Knivett. If such a covenant exists between us, and you

should distrain contrary to the covenant, you commit a wrong. What else would you say?

"*Belknap*. No, sir, but if he bring a writ of covenant, he shall be sufficiently answered.

"*Knivett*. Then you shall be immediately released. Wherefore he demanded of the plaintiff what he had prayed.

"*Finchenham*. Sir, that which the statute gives, that is, as much as he had prayed of us, and prison by the statute.

"*Thorpe*. We know not what that was, for you have declared that he would have taken 20*s.* and he has justified only for 8*d.*, and you have replied only for the 8*d.*, and notwithstanding you have maintained that he would have taken 20*s.* And it is adjourned."

1203. King John gives the mill of the borough to Nicholas, son of Robert Barbeflet, at the charge of one pair of gilt spurs, by the said Nicholas to be given every year at Easter, being the same homage and service by which the mill was held when the King was Earl of Montagne. [Barbeflet or flowing beard possibly survives in Barfield, a name still found in the neighbourhood.]

1388. "Know all men by these presents, that I Thomas de Colingbourn have remised, released, and for me and my heirs have wholly quitted claim to Robert Stoke, and Lucy his wife, their heirs and assigns, all my right and claim which I have had or shall be able in anywise to have in one tenement, situated at Marlborough, in Kyngsbury Street, between the tenement of Robert Warner on the south, and the tenement of John Baker on the north; so that neither I, the aforesaid Thomas, my heirs, or any other in my name, can hereafter demand or challenge any right or claim in the aforesaid tenement, but we are excluded by these presents, &c. &c. In witness whereof I have affixed my seal; these being witness, William Hasthorpe, Knt. Constable of the Castle of Marlborough, Robert Warner, mayor of the said borough; and of Richard Polton, Peter Baker, John Jenwynne, Thomas Crippe,

Walter Joop, John Clynton, Henry Broyseboi [Broyle-wood?] and Robert Stoke, reeves of the said borough, John Bird, . . . clerk, and many others. Dated at Marlborough, 14 April, in 12th of Richard the second after the Conquest."

The above is preserved at Marlborough. The five following, of similar nature, are from a depository of old deeds discovered in repairing Kingston House, at Bradford in Wilts, formerly the property of the Hall family, and were furnished by the Rev. J. E. Jackson.

4th Edward III. Charter of John le Temple of Marlborough, and Eleanor his wife, granting to Margaret, late wife of John de Stanborne of Marlborough, a tenement there. Witnesses, William de Rammeshull, constable of the Castle, Richard le Brai, mayor, Walter Gives, and Henry le Denere, præpositi of the town.

7th Edw. III. The same parties grant to Matilda, formerly wife of Roger Hogeby, of Marlborough, a tenement opposite the steps of the churchyard of St. Peter's; same witnesses, and also Robert Kathecate, and Edmund le Man, wardens of the town.

12th Richard II. Quit-claim from Cicely Barbure to Adam Smyth, and Alice his wife, of a tenement between the Guild-hall and the Baker's Hall. Sealed with the common seal of Marlborough town.

13th Richard II. Grant from William of Erlestone, and Joan his wife, to John Abingdon, senior, of all his tenement in the High Street of Marlborough. Witnesses, Sir John de Roche, constable of the Castle, and others.

12th Edward IV. Nicholas Hall, Esq., to William and Elizabeth Coscombe, of Marlborough, his granary there. Witnesses, John Mermyn [Marmion], mayor, Richard Austin and John Spicer, constables, John Ferna and Thomas Awent, bailiffs, Richard Ady and John Sylvester, under-bailiffs.

By an inquisition taken in the early part of the reign of Edward I, the jury found that the burgesses held certain lands of the King at the will of the lord by surrender of Roger de

Radeham, by command of King Henry, father of the reigning King, and that they then paid to the lord nine marks and four shillings. [These lands are the Portfields.]

Also that the said burgesses held a certain pasture of the demesne of the Lord the King ever since the time of King John, delivered to them by Hugh de Neville, then Constable of the Castle, in exchange for certain other pasture ground, which they antiently had, but which the King now held in his own hands. [This "certain pasture" is the Common, or "Thorns," as it was stiled in the middle ages.]

As to the Portfield, containing about eighty acres; as it belonged to the body of burgesses, it was then and ever after let out to them in small allotments, of one or two acres apiece, according to their number; and after the crops were carried off, and during the autumn, it was the practice for the cows of the householders feeding on the common to be driven there to feed, a custom which continued till about 1823, when the Portfield was newly laid out and enclosed. Previous to this, the appearance of the place was precisely that of common field land, the allotments (in former times at least) being divided by broad lanchets or strips of meadow land. All these traces are of course now obliterated, for the occupants having been reduced from the entire body of the householders, to some half dozen, constituting not long ago the select body, there seemed no longer any necessity for inviting the incursions of a herd of common cattle. It is hardly necessary to add that the householders received no compensation, when thus deprived of a right of 600 years' standing.

"The Thorns," or Common, containing also eighty acres, is a district north of the town, and west of Portfield. Here each householder has always exercised the right of sending two cows during the day time, paying a penny per week for each cow to the herdsman. Illustrations of the tenure of these two lands, and of the various customs connected with them, from time to time, will occur in the bye-laws, and

in the extracts from the Chamberlain's accounts, to be hereafter given.

1333. From the subsidy rolls of seventh Edward III, we can estimate with some exactness the relative population, as compared with that of James I's time, when a similar visitation was made. The persons able to pay in the first instance being thirty-three, and in the latter forty-two. In Edward III's levy, the sums average only a few shillings, money being then far more valuable than at present, and the entire assessment for the borough is £6. 0s. 5d. Here follow the names of the wealthy burgesses.

Robert Wodeway.	William de Owen.	Richard de Winterburne.
Henry Bluet.	Robert atte Crouch.	John le Bole.
Hugh Hernest.	John le Barbeur.	Reginald Orgon.
Richard Wade.	Edmund de Potterne.	Adam Man.
Thomas Bryan.	John de Wodecombe.	Roger de Melkesham.
William Aylen.	Roger le Tailleur.	John Semere.
Thomas Scott.	Edward Brown.	John Lythnuth.
Robert de Conningham.	Madame Isabel.	Hamon Faber.
Henry le Oiere.	Alicia Aldwyne.	Adam Walrond.
William le King.	Walter Lovebinde.	Thomas de Polton.
William atte Wilde.	John Ornon.	Philip le Hayward.

The list for Malmesbury contains ninety-eight names, but the sum raised is not proportionably so high, being only £11. 3s. 8d. Calne had 46, Avebury 41, Devizes 38, Cricklade 36, Tilshead 23, Bedwin 19, the Berton of Marlborough 13, which added to the townfolk, properly gives 46 for this town.

The Charter of Henry IV is curious, as testifying to a desire to increase the number of the inhabitants, a tendency which it was afterwards attempted to counteract, not only in small boroughs, but in London itself; the sovereigns at one time seeking to array the people against the nobles, and anon dreading the influence of advancing opinions.

"Henry, to all Archbishops, &c. Know that of our especial grace, and for the amendment of the town of Marlborough,

and for the increase of the inhabitants of the same, we have granted to our beloved subjects, the mayor and burgesses thereof, that they and their heirs and successors, burgesses of the said town, shall be for ever quit and discharged of murage, quayage, coverage, and chiminage, to be paid and taken for their goods and merchandize, within our kingdom of England, and elsewhere within our realm. Therefore we will and command, &c. Dated at Westminster, 20 May, 9th of our reign."

This document affords indirect proof, if any additional evidence were needed, that burgesses and inhabitant householders were interchangeable terms. The grant is made to the burgesses, but if such inhabitants were not burgesses, where was the inducement to become inhabitants? Moreover, the right of being toll-free in markets or fairs remained to any of the inhabitants that chose to claim it, for hundreds of years afterwards, even though they might not be included in the limited burgess roll of modern times.

PROCEEDINGS IN CHANCERY, 13TH EDWARD IV.

John Michell, v. John Marmion. Plaintiff being unjustly imprisoned, prays that a writ of *corpus cum causâ* may be directed to the defendant, who is mayor of Marlborough.

To the Right Rev. Father, the Bishop of Bath and Wells, Chancellor of England. "Your continual orator [one who ever prays for you], John Michell of Marlborough, humbly sheweth: That whereas John Marmion, mayor, hath taken your said suppliant, and hath imprisoned him without cause, refusing to let the cause of his imprisonment be shewn or understood; to his uttermost undoing, being a man of great age, impotent, and can but evilly suffer imprisonment. Therefore please it, your good and gracious lordship, the premises tenderly to consider, and grant a writ of *corpus cum causâ* direct unto the said mayor of Marlborough, commanding him upon the pain of £200 to have the body of your said

suppliant before the King in his Court of Chancery, at such day as it pleaseth your lordship to limit: and this for the loss of goods, and in way of charity."

Marmion, it appeared, had arrested him on the first Sunday in Lent last past, and kept him till Wednesday, "in full great duresse," so that neither friend nor council could have access to him; in spite of which precautions, measures were taken in his behalf for obtaining the writ *corpus* against the mayor, who to precipitate matters, as it would appear, had him up to the Guildhall, and read to him a declaration of withholding two cups, in the name of John Hynde. Michell praying to have council, Marmion said he was well aware what labours were going on to procure a *corpus*, in order to get him, the prisoner, thence removed; but he would settle the matter by instant judgment, to wit, That Michell should restore the two cups, or pay £20 for them, besides £10 damages. When in the meantime the writ was served, master mayor declared that before its arrival, Michell had been arrested and put into the King's prison, by virtue of a plaint of detenue of divers goods and chattels, at the suit of one John Hynde, before the said mayor, in the court of Piepowders, who obtained judgment as above stated. In reply, Michell was prepared to prove that there was neither fair nor market held on the Sunday or Wednesday in question, nor any plaint affirmed in any market or fair-court there; that neither manor-court, nor court of Piepowders was ever held at Marlborough on a Wednesday, except at fair times, and that as the goods came not into his possession by any procedure having reference to a fair or market, he could not therefore have been adjudged at a court of Piepowders, where cognizance was taken only of such matters. Such was the substance of the pleadings; but the affair seems to have been left by the Court of Chancery pretty nearly as they found it.

Henry IV. An inquisition, *ad quod damnum*, having reference to Clatford, charges one John Woodford, of Marlborough,

with the singular offence of having taken possession of a stone, value forty pence, which had been fixed in front of the altar in the chapel of Clatford, and carrying the same to Marlborough. The same return states that Walter Everard had made waste near Hunlavington, a parcel of ground belonging to the priory of Clatford.

1511. The following certificate granted on the petition of the mayor, constables, and bailiffs, whose names are severally mentioned, and also of all and singular our resiants and tenants of the same town, is a relic of Henry VIII's short-lived favour to his first queen.

"KATHARINE, by the grace of God, Queen of England and France, and Lady of Ireland: To all and singular the justices, sheriffs, escheators, bailiffs, and others, the ministers and faithful subjects of my most dear and excellent lord King Henry VIII, and also to all our stewards, bailiffs, officers, farmers, and tenants, greeting. Whereas my said lord the King by his letters patent hath given to us for the term of our life these liberties, franchises, and privileges underwritten, to wit: all the goods and chattels of all our men and tenants, entirely tenants and not-entirely tenants, as well resiants as non-resiants, and of other resiants whomsoever, within or upon all and singular, castles, lordships, manors, towns, townships, lands, tenements, hundreds, and possessions of whomsoever for the time being, of which we by virtue of our letters patent, or by previous grant are possessed or seized, or hereafter shall be in anywise seized or possessed, and within or upon any parcel thereof, as well of fugitives as of felons of themselves, and of other felons whomsoever in anywise of or for any felony condemned or convicted, attainted, banished, or adjudged, or put in exigend of or for any felony or debt, or for any other cause outlawed or waived, whether at the suit of my aforesaid lord, his heirs or successors, or at our own suit or that of any person whatsoever. And all and singular returns of writs, and the execution thereof &c.:—that no

justices, sheriffs, nor other officers should enter the aforesaid castles, lordships, or manors to execute process therein; fines for trespasses, misprisions, &c.; yearday and waste within said castles, lordships, &c.; estreats of the Exchequer, waifs, strays, deodands, treasure-trove, wreck of the sea, flotes, lagan, royal fish, &c. &c. . . . certain aids of sheriffs, hundred-silver, sheriff's tolls and sums of money whatsoever, derivable from the men and tenants of said lordships, manors, &c. Acquittance of all tolls whatsoever, pungers, pannugirs, murages, stallages, and other customs: that the tenants be quit of chiminages, and the taking of carriages and horses by the King's purveyors: that the Queen shall have a clerk of the market in all said lordships, manors, and towns, free-warren, justices-itinerant in all her forests, exemption from the jurisdiction of the office of Admiral; non-intromittant clause as to same, power to appoint coroners within the said castles, lordships, manors, and towns. We therefore, by reason that those liberties and franchises may be in due manner certified with effect, have at the instance and humble petition of John Bythewaye, mayor of our town or borough of Marlborough; and of Richard Dyer and of Richard Wreene, constables; and of John Matthew and John ap Howell, bailiffs, and also of all and singular our resiants and tenants of the same town, caused the said liberties and franchises to be reduced into writing, and our great seal to be affixed. Given at Westminster at our Council Chamber, 18th March, 8d year of Henry VIII."

COURT BOOKS OF MORROW SPEECH AND FRANKPLEDGE.—In the morrow speech court books, of which a regular series exist from 1614 to 1749, are entered the proceedings of the four morrow speech courts in each year, the poll at elections of members of Parliament, and also some of the bye-laws and orders. The following entry constitutes the commencement.

"Oyez.—All manner of persons that are summoned or have to do at the mayor's court, otherwise called the three

weeks court, here holden this day ; draw near and give your attendance, upon pain and peril shall fall thereon.

“Alderman of the Bayle, Come into court and give thine attendance, or else thou wilt be amerced. . . . And when the Aldermen are called, and have made their presentments, discharge the three weeks court upon a new warning.

“Then when the bell is rung. Oyez,—All manner of persons that are summoned or have to do at this court of morrow speech here holden this day, for the said borough of Marlborough, Draw near and give your attendance upon pain and peril shall fall thereon. Burgesses and freemen of this borough, answer to your names every man as he shall be called, upon pain and peril shall fall thereon. And all others that are not burgesses, Avoid the Hall.

“A. B. Come into court and give thine attendance, or else thou wilt be amerced. And after the business is done, let the morrow speech court be discharged, thus : Oyez ! All manner of persons that have any more to do at this morrow speech court here holden this day, draw near and you shall be heard, or else keep your day here upon a new summons.”

A few extracts from documents still extant at Marlborough will illustrate the nature of the business transacted at these various courts.

Morrow speech court, holden on Friday, in the 17th year of Henry VII. “At this day Master Mayor and his brethren hath assented, that there shall no burgess, neither no denizen that dwelleth within the town, shall not sue nor execution take, out of the town, on pain of 40s., without license of Master Mayor.”

1524. At a view of frankpledge, 12 Nov. 16th Henry VIII. It is ordained by the mayor and council that the brewers shall sell one dozen of the best ale, namely 12 gallons, for 16*d.* ; and one thurdindole for one halfpenny, and two gallons of small ale for 1*d.* And the hucksters shall sell one bushel of oatmeal for 12*d.*, and a quart for one halfpenny, and twelve

eggs for one penny, and six for one halfpenny. And the chandlers shall sell one dozen of candles, viz., 12 lb. for 15*d.*, and 1 lb. for 1½*d.* Also it is agreed that all who permit their pigs to stray in the streets shall be punished according to the statute thereupon formerly made.

1524. At a view of frankpledge holden 6 May, 16th of Henry VIII, the jurors present *inter alia*, "That Richard Wreene, the mayor and herdsman of this borough, has permitted the men of Okeburn to have chase and re chase between the Thorns and the Port-field. Also that Hugh Davyse, Richard Wreene, mayor, Robert Nutting, Robert Clydon, and Thomas Crook, surcharge the commons in 'the Thorns.'"

The next year the commonalty of the borough complain again in the court of morrow speech against the herdsman, that sheep are allowed to depasture in "the Thorns," and that cut thorns and spines had been cast upon the grass to the nuisance of all persons having cows there.

1532. Frankpledge holden 18 Dec., 24 Henry VIII—seventeen jurors—order made as follows: "By the mayor and council, that the brewers shall sell one dozen of the best ale for 20*d.*, and two gallons small ale for 1*d.*, and the chandlers 1 lb. for 1½*d.*"

"The twelve jurors have a day to present from this day till Wednesday next, after the feast of St. Katharine, who come and present that the watercourse which should run through the close of Richard Wren, at Ranlyn's Well, is obstructed by default of the said Richard. Therefore he is in mercy [at the Court's mercy], and has a day to amend the same before the feast of the Purification of the Blessed Mary next, under pain of 3*s.* 4*d.*

"The alderman of the Bayle [ward] comes with all his aldermanry, and the jury present that Maurice Rogers, who brews one quarter per week, William Midwinter, one quarter, William Symons one quarter, and William West one quarter, are common brewers and have broken the assize. Therefore they

are in mercy, as appears over their heads. And that the said William West and Joan Dobull are tapsters, and sell ale by cups and unlawful measures. Therefore they are in mercy, &c.

"The alderman of High Street comes with all his ward, and the jury present that John Poole the elder (two quarters), John Rye (two quarters), John Davyse (two quarters), John Rogers (one quarter), and John Hunt, are common brewers, and brew weekly, as appears over their heads; and that Thomas Ramshull, William Symons, and Richard Lucye, are tapsters, and sell ale by cups and unlawful measures; and they found pledges for their good behaviour, as appears over their heads, and moreover all well.

"The alderman of Kyngesbury comes with all his ward, and the jury present that Thomas Hayward (twelve quarters), John Jackson (one quarter), Katharine Organ (one quarter), and John Cosyn (eleven quarters), are common brewers and brew weekly, as appears over their heads; and that William Taunton and John Barnard are common tapsters, and sell ale by cups and other unlawful measures. They nevertheless found pledges for their good behaviour, as appears over their heads. And moreover all well.

"The alderman of the Green comes with all his ward, and the jury present that John Underhill (two quarters) is a common brewer and brews weekly, as appears over his head, and Thomas Croke (one quarter) likewise; and that John Frippatt, John Frysse, Margaret Davye, John Elynden Neyeer, Agnes Chamberlain, and Thomas Evans, carpenter, are common tapsters, and sell ale by cups and other unlawful measures. Therefore they are in mercy. And they found pledges for their good behaviour, as appears over their heads, &c. And that William Moore, Robert Elynden, Alice Bruar, William Symons, Mother Elinor, and John Doe, do so likewise.

"The alderman of Marsh came with all his ward, and the jury present that Richard Tolle (two quarters) and John Brooke (twelve bushels) are common brewers and brew weekly,

as appears over their heads; and that Elizabeth Woodnutt, widow, Christopher Cornwall, John Typper, William Kyng, and John Thorne, are common tapsters, and sell ale by cups and other unlawful measures. Therefore, &c. And found pledges, &c.

"The twelve jurors came and affirmed that all things above presented are true. And moreover they present on their own parts that Richard Ferfyld encroached upon a certain ditch called the town ditch, in the Bayle, with a hedge. Therefore he is in mercy: also that the said ditch is not scoured, by default of William Warde and other tenants there inhabiting. Therefore each of them is in mercy. And it is commanded to them to amend the same within six months after the feast of the Epiphany next, under pain of 3s. 4d. for each week."

1536. Court of morrow speech, holden 10 Nov., 28th of Henry VIII. "At this court came all the burgesses of the borough and held their council, conferences, and communications according to antient custom, and all well. Present, sixty-seven names, including twenty-one of the council."

1537. Court of morrow speech, 22 June, 29th Henry VIII. "At this Court came all the burgesses of the borough aforesaid, and held their conferences according to the antient custom of this borough. And at this day it was accorded and ordained by the general consent and assent of them all, that the rent of the latter crop of the Port-field, called winterleys, shall every year for ever be turned to the profit of the common chest, and the fines of all persons permitting sheep to depasture in the Thorns shall in like manner be turned to the same profit. And this by the survey and certificate of the mayor and four of the council. And no mayor shall hereafter do the contrary on pain of £10."

There is extant a certificate of the enrolment of a feoffment of hereditaments, which states that at a morrow speech court held in 1620 the deed had been there proclaimed, as also at two previous courts; and no one appearing to gainsay, it was

enrolled accordingly, from which we may gather that the burgesses generally were entitled to be present and take part in the proceedings, otherwise where was the use of proclamation?

The two next entries are also interesting, as showing the recognised necessity of a general vote in favour of a new mayor.

1537. Morrow speech, 10 August, 29th of Henry VIII. Clement Young, nominated mayor for the year ensuing, to wit, from Friday next before the feast of St. Michael next following, until, &c., by forty-nine voices, but his oath was respite until the next court of morrow speech.

28 September. The court of morrow speech with the mayor's court. All the burgesses came and held their conferences according to the antient custom. Clement Young, elected at the last court, is sworn mayor for the following year. At the same court, John Chase was elected a burgess of this borough and sworn, and paid to the chamberlain a fine of 10s. [This is the earliest entry in the borough books of the election of a burgess.]

1543. "Memorandum. That on the 20th day of August, 35th of Henry VIII, Robert Sabbys, otherwise Fisher, was punished here in the Guildhall for the space of three days, to wit, from Friday last until this day, because he the said Robert Sabbys, on Friday the 10 inst., misbehaved himself towards the mayor of this borough, saying in English these words following: 'Thou art but a fool, and there have been here in this hall, sitting upon a bench, that have had more wit in their heads than all you there now.' And when the said mayor said that he would punish him, he defied them, with many other contumacious words. Also John Lewis was likewise punished, because on the aforesaid 10th day of August, at the election of the mayor, when he should have given his vote to the mayor, he gave his vote to a certain priest, viz. Master Robert Richardson, clerk, Master of the Hospital of St. John the Baptist, of this town; and railed against several

brother burgesses of this borough, saying to them when they gave their votes, 'There is a white-livered varlet.' Also John Gellyns is likewise punished, because on the said 10th of August, he misbehaved himself here in court, at the said election, saying in English, 'All this matter cometh of the council of a woman.' And the aforesaid John Gellyns departed the Hall here, three times without leave. Therefore he is punished at the discretion of the mayor and of his brethren, and is dismissed."

Court of morrow speech, Friday, 11 Aug. 1615. A list of eighty-eight names is given, including the mayor and council, and then follows the nomination of three persons, William Biggs, Thomas Slatter, and Thomas Pulley, for the office of mayor. Against the eighty-eight names enrolled, there are prefixed the letters B. S. or P. to indicate for whom they voted, thus clearly establishing the fact, that all the burgesses, whether of the council or not, were at that time parties to the election of mayor. William Biggs was chosen.

It was Queen Elizabeth's charter which first gave to the town a corporate character, and it was in accordance with its provisions that the series of bye-laws were enacted, which continued down till our own time to regulate many of the affairs of the borough. The following is an abstract of that document:

"For the mayor and burgesses of the borough and town of Marlborough. The Queen to all, greeting, [then follows an *inspeximus* of thirteen previous charters]. Now we, all and singular therein contained, do by tenor of these presents ratify and confirm to our beloved the now mayor and burgesses. Moreover, we will and ordain that the mayor and burgesses shall from henceforth be a free borough corporate, by the name of mayor and burgesses of the borough and town of Marlborough, from henceforth to constitute one community and one body corporate in deed, fact, and name for ever. And them for us, our heirs and successors, we do by

these presents really and fully create, erect, ordain, make, constitute, declare, and incorporate; and moreover, for the better sustentation of the borough, the mayor and burgesses shall be able and capable to purchase and take for themselves and their successors, lordships, manors, lands, &c., to the yearly value of one hundred marks; and they shall have a common seal; also, they may ever have a gaol within the borough for the safe-keeping of all persons apprehended by the said mayor and burgesses, or their deputy. And it shall be lawful for the said mayor and burgesses, at their pleasure, to send to the county gaol whatsoever persons shall happen to be apprehended within the borough for treason, murder, or felony; and it shall be lawful for the mayor and burgesses, by their common council, to make laws for the governance and rule of artificers and other inhabitants, for the victualling of the town, and for the better government of the same, provided such laws be not repugnant to the statutes of the realm. And the said mayor and burgesses shall continue to hold and enjoy all those courts-lets, law-days, courts of pie-powder, fines, amerciaments, views of frankpledge, goods and chattels, waifs, estrays, goods of felons, rights, jurisdictions, and emoluments whatsoever, which the said mayor and burgesses ever had or enjoyed by charter or lawful prescription; and we ordain, that John Lovell, the now mayor, and his successors in that office for the time being, and two other burgesses, nominated by such mayors to succeed them, shall be justices of us, our heirs and successors, to keep the peace within the said borough; and they shall have the same power as any justices of any counties of England, and in as ample manner and form as the justices of the peace in the county of Wilts have had and exercised, and shall hereafter have or exercise without the borough and liberties thereof: nevertheless, so that the said justices of the peace for the borough proceed not to the determination of any felony without licence from the Crown. And, moreover, we grant that the mayor shall combine with his office the three

other offices for the Crown of escheator, coroner, and clerk of the market. And that no other justice, escheator, coroner, or clerk of the market for the Crown, shall enter the borough or its precincts to intermeddle, or to perform anything which to the offices of justice, escheator, coroner, or clerk of the market, pertain to be there done or performed. Lastly, we will and grant that the aforesaid mayor and burgesses shall have these our letters patent under the great seal of England, without fine or fee, great or small, to us in our Hanaper, or elsewhere to our use, to be therefore in anywise rendered, paid, or made. Dated 19 May, 18th year of our reign."

The term "common council" makes its first appearance in Elizabeth's charter, though no doubt it had always existed; being in fact the morrow speech court, or entire body of the burgesses. Its very name signifies that it was universal and co-extensive with the *community*, whatever meaning our modern notions and change of circumstances may now attach to the word. It is true that the expression, Common Council of the Realm, does not include all the subjects of that realm, but it does include all their representatives; and as antient burgesses could only represent themselves, the term in this case must carry its primitive and evident meaning. Nevertheless, as it always has and always will happen, that the natural indolence of man, and the claims of business or pleasure, induce the majority to prefer their private affairs to their public duties, so it comes to pass that the control of the masses falls by insensible degrees into the hands of the energetic few, whose love of power, or better information, or superior capacity, or it may be, more unscrupulous habits of thought, enable them to silence the rest. And thus, minorities govern the world. .

It might indeed be urged, that for the Queen to give to a select portion of the inhabitants the unchallenged power of making bye-laws which should coerce the rest, was the delegation of a power which she did not possess herself, and could only be the attribute of the supreme Legislature: but regard-

ing the common council in the light of the antient juries in boroughs, who made regulations to be afterwards recognized or reversed as the community should agree, then the delegated power granted to the council was legal and operative. In accordance with this reasoning, as we shall hereafter see, the bye-laws framed as the result of Elizabeth's charter are distinctly stated in the corporation records to have been set down and determined by the mayor and council, "*with the consent and agreement of the burgesses.*" The common council, therefore, had not in the time of Elizabeth the irresponsible power which they subsequently exercised.

[Justices of peace for the borough.] The *non intromittant* clause on this point was that on which the borough authorities at a later date, viz. 1719, actually forbade the county magistracy from entering the town for the purpose of holding the quarter sessions of the county, an act very much at variance with the anxiety which they have subsequently manifested (that is to say, at the present time) to retain the presence of that court, the continuance of which in Marlborough is supposed by some to be imperilled by the proposed suppression of the gaol.

It is a curious instance of the manner in which the provisions of charters were sometimes overlooked, if unsuited to the inclinations of the governing party, that notwithstanding the express prohibitory terms of this clause, the select body of Marlborough continued till recently to try cases of *felony*.

In pursuance of the above charter of Elizabeth, several bye-laws were in the following year enacted. These, with subsequent ones till the reign of Queen Anne, are contained in a parchment roll in the corporation chest, and are entitled "Orders, decrees, and constitutions, set down, determined, and agreed upon, the 8th day of November, in the 19th year of the reign of our Sovereign Lady Elizabeth, &c., in the Guildhall of Marlborough, by Alexander Staples, mayor, and the common council, with the consent and agreement of the

burgesses of the said borough or town now here assembled, for and concerning the ruling and governing the said borough or town and the inhabitants thereof, by force of the Queen's Majesty's most gracious letters." Those only which were made in Queen Elizabeth's time were "with the consent and agreement of the mass of the burgesses." This troublesome condition was very speedily cast off. As nothing can better illustrate the internal history of the town than an examination of some of these laws, a brief abstract is here appended.

I. Enacts that all the burgesses shall, on days of assembly, sessions, and court days, attend the mayor to the church and guildhall, nor depart without leave or sufficient excuse, under pain of five shillings forfeiture.

II. Is an order for choosing by general voting and for swearing the mayor.

III. Imposes the penalty of £40 and loss of burgesship for refusing to execute the said office.

IV. Directs the mayor to nominate, as the two justices of the peace, his two immediate predecessors in the mayoralty.

V. Gives power to the mayor to select, with consent of the existing council, any other burgesses to join their conclave as council.

VI. The mayor is forbidden to grant leases of the borough lands without the agreement of the council.

VII. When the mayor attends the market to note abuses, the former mayors, with the constables and recorder [town clerk], shall attend him.

VIII. This they shall also do when Mr. Mayor goes forth to appease frays and uproars, and keep the Queen's peace.

IX. The three keys of the coffer containing the evidence of their lands and chattels shall be kept by the mayor, the town clerk, and the elder chamberlain.

X. Innholders shall not brew on their premises, but take their beer of the common or public brewers, and sell only by the sealed measures.

XI. Nuisances to be removed from the streets, &c.

XII. In order to avoid the increase of poor people, no householder shall, without license of the mayor, receive inmates or under-tenants.

XIII. After fairs and markets, and on every Saturday night, every man shall sweep before his own door.

XIV. Whoso kindles fires in dangerous places, or without chimneys, after warning given, shall forfeit 20s. or be imprisoned.

XV. All artificers and others having booths or standings in markets or fairs, to clear them away before night.

XVI. Any member of the council uttering any of their secrets shall be expelled from office.

XVII. No burgess or inhabitant shall sue, molest, vex, or implead any other burgess or inhabitant, out of the said borough, for or upon any action of trespass, false imprisonment, action upon the case, covenant, detinue, or action of debt, without the license of the mayor, on forfeiture of 40s. for each offence.

XVIII. No one shall bear office or be considered a burgess who is not sworn on the Holy Evangelists, for the well-executing of his office, burgess-wick, &c.

XIX. No tippling allowed in inns during common prayer or sermon.

XX. If any rescue from or draw blood from an officer in the discharge of his duty, for the former offence pay 3s. 4d. and loose his weapon, for the graver act the fine is 10s.

XXI. Butchers bringing flesh to the market shall also offer the hides, and also the tallow, that candles may be made of reasonable price.

XXII. A law against offering measeled pork without a sign affixed to it.

XXIII. All the inhabitants to bear their share in paying the "aids" to the Queen, as well as the rates levied by the council.

XXIV. The mayor and council may alter their statutes and laws, provided they have the consent of the major part of the burgesses.

XXV. Every inhabitant shall have in readiness in his shop or other place where he has ready access, a club, bill, or other necessary weapon, that he or his servants may be in readiness to assist the authorities in suppressing any outcry or breach of the peace.

XXVI. It shall be lawful for the mayor to take, levy, drive, carry away, or detain the goods of any inhabitant owing forfeiture for breach of any ordinance, until such inhabitant shall pay.

XXVII. The mayor and council may take charge of orphans and their property, and appoint their trustees.

[An illustration of this bye-law occurs in the memoirs of Mary Hurdle, of Marlborough, in the time of Charles I. Being left an orphan, she tells us how the chief-magistrate took her in charge and apprenticed her for eight years to a maker of bone-lace.]

XXVIII. No burgess or inhabitant shall keep in the Thorns more than two ruther beasts at any time, to wit, kine or bullocks, accounting every weaned calf a ruther beast, and pay for every such beast to the mayor eightpence yearly, and for the herdsman one day's board.

XXIX. After the herdsman has brought home the beasts at night, the owners must pen them close, not suffering them to stray in the thoroughfares of the borough, until such time in the morning as the herdsman shall blow his horn, when he comes to drive them to field again.

XXX. The Lyncherds and lanes in the Port-field to be left for the cattle of the inhabitants of the borough, as their common, after the corn is carried out of the field.

XXXI. Persons growing corn or grain in the Port-field shall maintain the hedges and dykes adjoining their allotments.

XXXII. The constitutions and orders made by the mayor

and council for the management of the commercial fraternities or guilds, shall be deemed, taken, and esteemed good and effectual, without resistance, &c.

XXXIII. To avoid confusion of voices in the nomination of mayor, the council shall assemble on the Friday before the Assumption of our Lady, and having fixed on three persons, shall submit the final decision, of the one to be mayor, to the whole body of the burgesses assembled in the Guildhall. And if any person propose for the office any one *not* of the three, he shall be expelled from his burgesship forthwith.

XXXIV. Upon any arrest or attachment within the borough, the bailiffs or sergeants shall make return of the sureties to the clerk before he let go the party arrested, on pain of forfeiting £10.

XXXV. The timber lying in the Green Ward, near the saw-pit, to be removed forthwith or forfeited; but timber may from henceforth be laid in Coll-harbour Lane above the pound, and not elsewhere within the borough.

XXXVI. When any person inhabiting within the borough shall send or set forth armour or weapons for the use of the Crown, all the burgesses and householders shall pay such reasonable shares towards the provision to be made as the mayor and chief-burgesses shall appoint, on pain of distress.

XXXVII. No inhabitant within this borough, shall upon the Sabbath day, between 12 o'clock at noon in every of the same days, receive or deliver in or out of their houses any manner of corn or grain to any person or persons, &c.

XXXVIII. Without the special consent of the mayor and burgesses of the borough, no person shall erect any building with the intent of making it a tenement or dwelling house, in any back lane or bye lane within the precincts of the borough, where no house or building hath heretofore stood; on pain of £5 for every offence.

XXXIX. Upon all fair days held within the borough, a sufficient number of watchmen shall be set to watch and ward :

for the cost whereof, the best of ability in every ward shall pay, every of them, one penny.

XL. The alderman of each ward shall yearly warn all the householders of his ward to come to his house, on the eve of the nativity of John the Baptist, in the afternoon of the same day, and shall there make them drink together as neighbours and friends; and then immediately they shall all go together to Mr. Mayor's house, according to the antient custom heretofore used; upon pain that every alderman offending therein shall forfeit twenty shillings. [This bye-law was subsequently crossed, but not rendered illegible.]

XLI. This regulation, which had been rendered necessary by sundry recent disputes, gives liberty to a person repairing his house, to enter when needful his neighbour's back premises; a contingency to which Marlborough must have been particularly liable.

XLII. At 10 in the morning the alderman of every ward shall cause the figure of a bill or axe to be set [chalked?] upon the street-door of every householder whose turn it is to provide for the ensuing night a sufficient and able watchman, which watchman is to be ready at the High Cross by 9 o'clock in the evening, under penalty, &c.

XLIV. Forbids the letting of swine go at large.

XLV. No inhabitant within the borough shall allow any butcher inhabiting or dwelling out of the said borough to kill flesh in any of his or their houses within the borough.

XLVI. No burgess or other inhabitant being of ability, but such only as are of the poorer sort, shall set up sheep hurdles at fairs held within the borough. And no inhabitant of the one parish shall set up hurdles or standings in a fair held in the other parish, unless it be for his own use, and not to be let or hired. [Here we have an extreme instance of local jurisdiction].

XLVII. Every inhabitant having beasts in the common called the Thorns, shall pay yearly one penny. And every

burgess or widow of a burgess occupying arable land in the Port-field shall yearly pay per acre, one penny, for destroying the wants and moles, viz. at the feast of St. Bartholomew.

XLVIII. The chief officers of the borough shall not give license for the players, or using of any stage-plays or interludes in the Guildhall.

The above orders belong to the reign of Elizabeth. The following have later dates.

L. 1622. For avoiding the danger of fire, to which, by reason of maltmaking and otherwise, the town is liable, and because the place is much impoverished by the daily erecting of poor houses, no one hereafter shall build dwelling-houses unless the length at the foundation be at the least thirty feet, the depth sixteen, the roof covered with tile or slate, and the chimney made of stone or brick, on pain of £5.

LI. The constables and chamberlains shall from henceforth be elected by the voices of the mayor and council, the mayor's counting for two.

LII. 1627. All such portions of the Portfield as are unenclosed, or leased under the borough seal, shall henceforth be enjoyed only by such persons as will take their estate thereof by lease, it being evident that those now holding the same are only tenants at will. Moreover none but a burgess of this borough shall enjoy nor hold more than two acres, nor for longer time than his own life and the life of his widow, till she re-marry. Sixteen pence yearly per acre to be paid to the chamber at Michaelmas, and the tenant to do suit of court to all and every the courts of the mayor, on summons.

LIII. If a mayor neglect to occupy a reasonable house during his term of office, he shall be fined £50 in addition to losing his fee, and be disfranchised in the room of another more fit man. [This was to secure the necessary accommodation for the periodical gathering of all the burgesses at his house, as described above in No. XL.]

LIV. 1633. Henceforth any person making suit to be

admitted a burgess shall first be accepted by the major part of the common council, and then if the major part of all the burgesses appearing at a morrow speech court concur in such election, he shall be admitted. [It is to be observed that the system of diminishing the number of burgesses had been some time in operation. It need hardly be added that this law was made by the council only. Even after the time of making this change, the plan was for the burgesses openly to propose one another at the court of morrow speech, in order that the council should take their names into consideration and decide as to their fitness; but in 1652 a further innovation was made, by the council taking the initiative in all such nominations, lest, as they urge, "offence or blemish" should attach to persons proposed in open court, but rejected in the council room. From this humane consideration, which ever afterwards operated in full force, the burgesses of Marlborough may date their gradual exemption from the responsibilities and pains of looking after their own affairs.]

LV. Aug. 1636. In consequence of the plague now spread into divers parts of the kingdom, it is ordered that three able men shall be constantly on the watch during the day to prevent strangers entering the town, who cannot show that they come from a place not-infected—their pay of 6*d.* a day each to be levied on a group of six householders one day, and the next six householders the following day, till all the inhabitants have paid, unless in cases exempted by the mayor for poverty.

LVI. Whereas the office of alderman in Marlborough, such as presentment of nuisances or riots, setting the watch, and summoning the inhabitants at sessions and law-days, is properly that of a constable, and incongruous with the common usage and acceptance of the title of alderman in all other cities and towns corporate within the nation, and is calculated to bring the same into contempt, therefore the name of alderman is abolished, and constable (of the ward)

substituted.—28 Sep. 1649. [The constables of the wards afterwards came to be appointed and sworn at the Michaelmas sessions and leet. Cromwell's charter revived for a brief period the name of alderman.]

1630. An order for the erecting and building a new market house. "It is this day fully agreed, consented unto, and ordered by the mayor and burgesses, viz.: by the common council of the same corporation, that with all convenient speed there shall be erected and built, at the only cost of the chamber of the said borough, in the High Street below the shambles there, a market-house, which at the ground or foundation thereof, shall contain ten feet a piece, or thereabouts. And for raising the charge [cost] thereof, it is agreed that the town-hall, council-house, jury-house, the prison under the hall, and the messuage and back-side under the said hall, shall be sold to such person or persons as will give most for the same. And for the supplying of the said town-hall, council-house, jury-house, and prison, it is intended that a new town-hall, council-house, jury-house, and prison, shall in a more convenient manner be made and builded with the said market-house. And it is likewise, by and with the consent of the said mayor and burgesses, consented unto and ordered, that the market for buying and selling of wool and yarn shall immediately, upon the building of the said market-house, be held and kept at and within the same house; and that the market for buying and selling of butter and cheese shall for ever continue where now it is."

It was about this period that the town obtained a new grant of arms. Its antient cognizance, as seen in the engraving (p. 136), was simply a castle *argent* on a *black* ground; but by ^{a 3^{une}} way of memorializing a peculiar custom observed by the burgesses on their admission into the corporation, they were now allowed to display, besides the castle aforesaid, the bull, cocks, and greyhounds which still adorn the municipal shield.* These symbols are explained in the following charter granted by

* see page 526, where the emblazement is set out.

the King of arms, apparently near the commencement of the 17th century; John Brownbeard then being mayor.

“These arms are belonging and appertaining to the burgesses and commonalty of the town and borough of Marlborough, in the county of Wilts, in consideration of the duty and homage heretofore used from time out of mind by the said burgesses and commonalty to the mayor for the time being, the burgesses and aldermen of the said town and borough, at the receiving of the oath by any of the burgesses by them admitted. At which time they do present to the said mayor a leash of white greyhounds and a white bull, and a couple of white capons. In perpetual memory whereof, I Clarencieux King of arms, have ratified and confirmed the aforesaid arms to the said burgesses and commonalty for ever, without compulsion of any. In witness whereof, &c.” This donation afterwards came to be commuted for the sum of five guineas.

Another record of the Herald is to the following effect:—
“These are the arms and seals of the town and borough of Merleberge now called Marlenborough, by the antient Kings of the land endowed with divers privileges and immunities which were all ratified and confirmed by our Sovereign Lord King James, in the 2nd year of his reign. And at the present visitation 27 Sep. 1623 was Thomas Newby, mayor; Richard Digges, esquire and sergeant-at-law, clerk counsel for the said town; Philip Franklyn, justice of peace within the said borough; Thomas Hurst, William Franklyn, Stephen Lawrence, John Bailey, Walter Bailey, aldermen and late mayors of the said town and borough; Simon Dring and Samuel Hitchcock, constables; and John Franklyn, town-clerk. The mayor taketh his oath on the 26th September.”

It has been stated in Topographical dictionaries, that Assizes were held in this town from Henry III's time till the reign of Charles I. Whether this be literally true or not, it is certain that in 1627, on account of the plague which was then raging at Salisbury, it was anticipated that the Wilts

Assizes would (for that occasion) be transferred to this town, whereupon the mayor and council of Salisbury memorialized their recorder Henry Sherfield, who was then in London, to use his influence to avert such a precedent. If the proportionate size of corporate towns may be gathered from the payments levied in the schedules sent by Charles I to the Sheriffs of counties for raising ship-money, Marlborough at that period stood as the second town in the county, as will be seen from the following list :—

The city of New Sarum (besides the close)	£192
The borough or town of Marlborough . . .	60
The borough of Devizes	50
The borough of Chippenham	30
The borough of Wilton	5

This position Marlborough appears to have lost during the civil wars, for during the Protectorate we are told by Thomas Fuller that “Devizes was become the best and biggest town for trading in the Shire.” Marlborough, nevertheless, shared in the general prosperity attendant on the revival of trade which followed the civil wars.

The comparative wealth and importance of places, as exhibited by these schedules, contrast remarkably with their condition in modern times. Liverpool for instance was rated at an amount which was hardly the ninth part of the assessment on the city of Salisbury, and less than half of that imposed on the borough of Marlborough. The city of Bath appears to have been but very little larger than this town, and less than the eleventh part of the size of Bristol. Bristol was the second city in the kingdom, and alone was assessed for a ship of the value of £800. Newcastle-upon-Tyne appears to have come next, being valued at £700. No other provincial towns approached these two in importance.

The Books of the Two Chamberlains. At first, one of the chamberlains appears to have kept the corporation accounts,

and the other those of the grammar school estate. The former commences with—

1553. The account of Henry Wren, chamberlain, from the feast of St. Michael, 1552, to the same feast in 1558, made 22 Nov. in first year of Queen Mary, before Thomas Vale, mayor: and the account of William Bromley, for the lands and tenements of the Hospital of St. John, &c.

A blank occurs till the 15th of Queen Elizabeth, after which, commencing with the duties of Richard Coleman, sen. and John Seymour, jun., the series is carried on with regularity: The following are extracts—

1572. Received of the wardens of the shoemakers, of their stock towards the building of the High Cross [site in front of the present hall], £2 13s. 4d. More that they received of the taylors, towards do. £2. Anthony Garden, his fine to be a burgess, 10s. [This was the unvarying fee for many years.]

1573. Paid for one year's rent for "the Thorns" and Portfield, £6 14s. [There are two items in several succeeding accounts of £4 and 10s. paid for "the Thorns" to the farmers of Barton.] Paid for a gallon of wine, given to the justices at the assizes, 2s. [From this and several similar items, it has been supposed that the county assizes were held in Marlborough.] Paid for a gallon of wine sent to Mr. Daniell at the time of the muster, 2s. 8d. For two gallons of wine, given to my Lord of Pembroke, when he dined at Mr. Daniell's, 3s. 2d.

1575. There is a payment of £8 6s. 8d. to Mr. Pike, the late mayor, for his allowance.

1576. Received the rental of the lands of the chamber, as well as St. John's Hospital, £61 0s. 4d.

Paid to the poor on Good Friday, 3s. 3d.

Paid to Mr. Midwinter about the charter, £1 14s. 4d.

There are payments in the above, as well as in the succeeding accounts, for repairing the bounds of the Thorns, for building and repairing the high cross, the corn cross,

St. Helen's cross, and St. Dennis cross, the butts [archers' ground], the prison, the cage, the stocks, and the cucking stool [for scolds]; for repairing the almshouse, the schoolhouse, the bridges, the highways, the relief of poor travellers, the sick, and clothing the poor.

1577. Paid to the smith for making the seal, 7*d*. To the schoolmaster a year's wages, £13 6*s*. 8*d*. For two loaves of sugar given to my Lord Pembroke, £1 12*s*. 10*d*. For ten pounds of sugar given to my Lord Hertford, £1 1*s*. To the Earl of Hertford one year's rent of the Thorns, 10*s*. To Mr. Cornwall, late mayor, for his kitchen, £20. To John Heart, for the soldiers, £1 10*s*. 7*d*. Fees occur here and afterwards to the keeper of Lord Hertford, for a brace of bucks and a brace of does, presented by his lordship: also of sugar to his lordship. This latter custom, as pertaining to the Lord of Savernak, continued to our own time.

1578. Paid to Mr. St. John, for his burgess wages (in parliament), £5. 8*s*. and for defence of his suit, 20*s*. Money paid to Mr. Nicholas St. John, for his burgess wages, which my Lord of Hertford promised to repay, £6 11*s*. 4*d*.

1579. Paid for the post horses, £8.

1580. Paid for the sheriff's supper, 11*s*.

1583. Received for the after-leys of the Thorns and Portfield, £6. Payments of large sums to a Mr. House, for purchase of land.

1584. Received of Mr. Diston, which he lent to the Chamber, and which was paid for suing forth of the fine for the borough lands, £10. Received of the Earl of Hertford, for Mr. St. John's burgess fees, when burgess of the parliament for the said borough, £8. 8*s*.

1586. Paid, as touching the *quo warranto*, £19. 17*s*. 8*d*. [An exercise of prerogative unusual in Elizabeth, whose good sense generally left the Commons undisturbed.] Paid to Mr. Penruddock, for his good will about the sessions, £1. Paid the clerk of peace, for discharge of the fine set on the

town, 10s. Carriage of poor people [frequent], also various payments for sugar, claret, and sack, given to the Earls of Hertford, Pembroke, and Leicester, and the justices at the sessions; the gentlemen of the neighbourhood, and whenever a person of consequence came to the town; Mr. Daniell's house, St. Margaret, being a frequent place of stopping.

1588. Paid Mr. Waylen's charge when he followed the *quo warrantos*, 20s.

1589. For my lord's banquet, £17 4s. For wine at the muster, 2s. 8d.; for links and candles at the muster, 8d. Paid to Mr. Cornwall, for his fee at the parliament, £5.

1592. Paid to the Queen's harbinger, at the time of her Majesty's progress, £1. To the Queen's trumpeter, 10s.

1594. Paid to Mr. Hitchcock, about the patent, £20.

1595. Paid for the fifteenths, 30s.

1605. Paid Mr. Digges for his fee, 40s. [an annual salary]. For a calf given to the sheriff, and two sheep given to the judges at the assizes, holden here in Lent.

1606. Collected of the town, towards the poor sick of the plague, £6 9s. 5d.

1609. Paid for ringing at the death of Mr. William Bennett, for that he gave a house in Marlborough, to the use of the poor people there, 9s. For renewing the charter, £22 17s. 2d. and for "aid" to make the Prince a knight, 13s. 4d. [King James is at work.]

1612. Accounts of several sums of money, appointed to be lent to poor artificers, and interest of other sums for the poor [long lost].

1613. To the constable, for aid-money to marry the Princess Elizabeth, 13s. 4d. To the Queen's players, 20s. To the King's trumpeter, 10s. For wine to his Majesty's servants, at the King's coming by, 6s. 8d.

1614. For discharging the *quo warranto*, brought against Mr. Paty, late mayor, £1 17s. To the commissioners, for charitable uses, diet and horsemeat, £3 4s.

But besides the small sum given by the chamber towards marrying the Lady Elizabeth, each and all of the following freeholders of the borough are taxed according to their ability. [The entire number of burgesses at this period was about one hundred.]

George Waddington, Mayor.

Philip Franklyn.	Richard Franklyn.	Lunen Dringe.
John Walford	Thomas Grigge.	William Farley.
William Franklyn.	William Waylen.	William Whitbread.
Thomas Scletter.	Edith Brunsden, vid.	William Munday.
William Bigge.	Jane Hawke, vid.	John Dodson.
Thomas Bennett.	Robert Bradley.	Thomas Culleene.
Lewis Mudley.	Anthony Scletter.	William Wyatt.
John Baylie, jun.	William Scletter.	Thomas Wylde.
Richard Greenfield.	Anthony Gunter	John Drew (within age).
Thomas Millington.	John Withers.	William Parrett.
Richard Plomer.	Thomas Wrenne.	Thomas Weare, alias
William Wynde.	Richard Tapping.	Brown.
William Midwinter.	Silvester Cooke.	His Majesty's Ward.
Thomas Pearce.	Thomas Grinfield.	The Borough lands.
William Blisset.	Maurice Hitchcox.	

The names of such persons as holding freeholds within the borough are out-dwellers.

Sir William Button, Kt.	Philip Smyth.
Sir John Horton, Kt.	William Disman.
William Daniell, Esq.	John Dobson.
Edward Daniell, gent.	Anthony Whitgarte.
William Jones, his Majesty's ward.	Stephen Pearse.
Richard Browne, gent.	William Pearse.
Thomas Stephens.	John Lovell, gent.
Francis Locock.	

1617. For entertaining Lord and Lady Hertford and their followers, £30 7s. 4d.

1618. Another payment for wine and sugar, sent to the judges at the assizes. Also for cutting the weeds in the river on the King's coming. Given to the King's surveyor of highways, 20s. To the King's trumpeters, 22s. To his

mace-bearer, 10s., and to his sword-bearer, 11s. "*Mem.* That these four gifts were by consent all given of courtesy only, for that there is nothing due unto any such of his Majesty's servants, unless the King go through the town in state; and then only, as they themselves affirm, are their fees belonging unto them of right by patent."

The mayor's allowance is increased to £40.

1621. Paid John Franklyn, after his coming from London, being there employed about the *quo warranto*, which was paid by him in fees, £54. Other payments also on the same account.

1622. Paid for search in the crown office, and a copy of several issues returned by the sheriff. Mich. term.—For copy of the estrate. To Mr. Digges, for a motion to the chief baron. For composition to the sheriff. [The borough is beginning to find out what the Stuarts are like.]

"*Mem.* That on the 20th of March, 1622-3, it was agreed, with the consent of Walter Baylie, mayor, Philip Franklyn, gent., William Franklyn, John Baylie, Stephen Lawrence, Thos. Bennett, Thomas Newby, Simon Dring, John Franklyn, and William Blissett, That the £33 1s. 2d., which was gathered according to the letters from the lords of his Majesty's most hon. privy council, towards the recovery of the Palatinate, [James was vainly urging the nation to engage in a war on behalf of his daughter, the Queen of Bohemia] and £7 14s. 7d. gathered towards the relief of the French Protestants, shall remain in the chamber of the borough, to be employed for the uses hereunder mentioned, until the same shall be otherwise required of this corporation. Of which said sum £40 is let out for the use of the poor, and the other 15s. 9d. paid to William Blissett, chamberlain. [From various items occurring at this period, it looks as though the chamber kept a stock of various articles for sale.]

1623. To the King's trumpeter, 10s. To R. Taylor, for the going of the King's horses in his ground, 3s. For feeding

the Prince's horses and dogs, 12*s.* For faggots to the King's brewers and bakers, 10*s.* 9*d.*

1625. Paid to Mr. Franklyn his charge about the soldiers, £3 8*s.* Mr. Digge's parliament charges, 40*s.* To Savage, for his help at the cucking of Joan Neal, 4*d.* For bringing the cucking stool from the water, 12*d.*

1626. The rent roll of the borough is this year stated at £106 14*s.* 6*d.* Received of divers of the inhabitants, towards the rent of the Thorns, wherein they are permitted to keep kine, £4 8*s.* For the after-leys of Portfield, £1 6*s.* 8*d.* Paid to Mr. Sergeant Digges, for perusing the rough draft between my Lord of Hertford and the borough, 20*s.* Paid two years' rent to the Earl of Hertford, due Mich. last, for the borough rent, and the Portfield and Thorns, £41 8*s.* Paid the rent of the waste of the town, and for the profit of piccage and stallage, in fairs and markets, and for the Portfield and Thorns, £20 14*s.* There are also payments of premiums with poor apprentices; and a *mem.* that £15 and £29 of poor folk's money is in the chamber.

1627. Paid into the hands of John Franklyn, to make up the £90 used to be let in parcels to poor artificers, £40 16*s.* 6*d.* Paid more to him to make up the £52 used to be let out to the use of the poor, £25. Paid Mr. Bryant, for money paid for billeting soldiers, £80 1*s.* 5*d.* [There are other payments of a similar nature, amounting to upwards of £30, and a document of the same date, remaining in the borough chest, explains it as follows: Colonel Crosby's regiment of 360 men were marching out of Devonshire to the Kentish ports, and an order of the privy council directs all mayors, bailiffs, and constables of hundreds to billet them, and feed their horses, &c. Dated 25 Dec.]

1628. Paid Mr. Bryant for billeting soldiers, £80 1*s.* 5*d.*; other payments for the same object, more than £30.

1629. To Richard Digges, M.P., his parliament fees, £1.

1631. As resulting from the order, page 125, we meet with

the following items in the next year's accounts. Received of John Lawrence, jun., for the old Town-hall and his house which he purchased of the chamber, £140. Paid for building the market-house, £350. And in 1631 there is "more, £17; in all, £397;" equivalent perhaps to £1500 of present money.

1633. Received of Robert Bayly, which was given by the will of Robert Ely, towards the setting the poor on work, £10. For the lease of sixty-seven beasts in the Thorns, 67s.

1634. Paid the poor on Good Friday, £9 2s. 6d.

1636. *Mem.*—The chamber owes £50 money for the use of the poor. 26 Aug.

1637. Paid to Mr. Prior, the schoolmaster, £7. 10s. Paid in Michaelmas term to Mr. attorney-general, and the Queen's attorney-general, 40s. Bills of Hilary and Easter terms, about the school business, £37 6s. 8d. To late mayor going to the sheriff about the ship money, £1 0s. 8d. *Mem.*—The chamber owes money let out to the use of the poor, £90.

1638. Paid the late mayor his expenses going to the sheriff about the ship-money, 20s. 8d. The chamber owes money which was let out to the use of the poor, £90. [In the two following years no more notice is taken of the poor's money, and during 1641 and 1642 there is no account whatever. The war was now commencing, and the oppression of the King's party affords sufficient apology for any disorder in the chamber funds. In 1643 payments occur for the entertainment of Prince Maurice, for shoes for Lord Hopton's soldiers, and for the tending and burial of sick and wounded soldiers. In 1646 a contribution of £12 3s. 7d. is paid for the support of Farringdon garrison. Lost of the chamber rents at the plunder, £2 13s.; and eight weeks' contribution to Colonel Cook's men, £4 16s. [These have reference to the marauding expedition of Sir John Causfield, for which see the *Military History of the Town.*] Paid Mr. Skupper for his going to the general [Fairfax], 10s. For wine sent to Colonel Fleetwood, Major Haynes, and Bigford, 18s. To the mayor, for enter-

taining Col. Cook, £7 10s. 10d. Two watchmen for Major Haynes' prisoners, 1s.

1639. Paid for ship money, 30s.

1640. To Mr. Franklyn, for his fee [serving in parliament], 40s.

1658. Paid the trumpeters at proclaiming the Protector Richard, 20s. The ringers at both churches, 13s. 4d. For fruit, spice, and sugar, at proclaiming the Protector, 8s. 8d. Gaining the charter, and travel to town and perfecting it, £180.

1677. For herbs and beer when the Queen went to Bath, 15s.

1682. In this and all succeeding accounts, £8 is paid to the churchwardens of Wilely, in Wilts.

1687. For rushes when the King came, 30s. Presented to the King, 50 guineas.

1688. In defence of the charter, £19.

1689. Paid Mr. Horner about the trial in parliament, £20, and various sums to the ringers at the proclamation and coronation of William and Mary; and in the next year an item of 4d. for rolls when the Queen came. The last receipt of a burgess's admission fine is in the years 1699 and 1700, when two persons paid the usual fee of 10s. each.

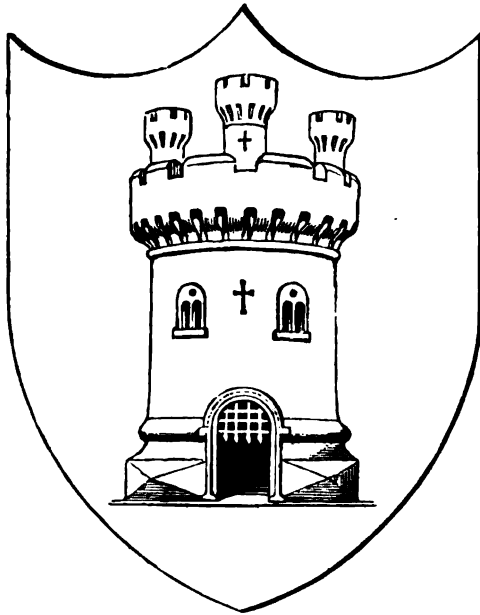
1717, March 16. Paid Mr. Wall for having the charter out of the chest for Mr. Bayly to carry to London about the popular trial, 3s. 4d. May 6. Paid Mr. Fowler for a silk to go to London as a witness about the parliament men, at the popular trial, £1 5s. 0d.

1719. Expenses three trials at assizes, £43 19s. 8d. Three other law suits [toll causes], £114 4s. 0d.

1772. From this date £60 was allowed to the mayor for his expenses, including three feasts, viz. the election feast, that on the Sunday following, and the feast when sworn in; also servants' fees, and the mayor's allowance for attending the assizes; but the allowance to the officers, in lieu of dining at the mayor's house, was not included. It was further ordered that on Good Fridays the practice of dining at a

public house shall be transferred to the mayor's house, and that the usual sum of money shall be given to the poor as heretofore.

We must here quit municipal matters till the events of the great civil war have been disposed of.



CHAPTER V.

STUART RULE—FREEHOLDERS IN SELKLEY—KING JAMES' SAGACITY
 —CECIL'S DEATH AT ST. MARGARET'S—THE VICAR OF OKEBOURN
 —THE SEYMOUR FAMILY—LORD SOMERSET—LORD HERTFORD,
 LIEUTENANT OF WILTS—TRAINED BANDS—SIR FRANCIS
 SEYMOUR—HIS CONDUCT IN THE HOUSE—BREAKING OUT OF
 THE CIVIL WAR—FIRST SIEGE OF MARLBOROUGH—SECOND
 SIEGE OF MARLBOROUGH—OTHER EVENTS IN WILTSHIRE—
 OTHER EVENTS IN WILTSHIRE, DOWN TO THE PERIOD OF
 KING CHARLES'S DEATH.

FREEHOLDERS OF SELKLEY, A.D. 1638.—Extracted from
 Sir Edward Baynton's "Freeholder's Book," an original MS.
 in the possession of the Rev. Edward Wilton, of West
 Lavington.

Adams, George, of Albourn.

Bayly, Thomas, of Marlborough, gent.

Brown, Richard, jun., of Lookeridge,
 gent.

Brown, William, of Rockley.

Collens, Thomas, of Albourn.

Glanville, William, of Broad Hinton,
 armiger.

Gardner, William, of Okebourn St.
 George.

Goddard, Edward, of Okebourn Mas-
 sey, gent.

Goddard, Thomas, of Beckhampton,
 gent., now a minister.

Goffe, William, of Marlborough, gent.

Hackes, Thomas, of Okebourn, St.
 Andrews.

Hackes, William, of Okebourn, St.
 Andrews.

Hiscocks, William, of Manton.

Hulet, John, of Manton.

Jones, John, of Woodlands, armiger.

King, William, of Albourn.

Keynes, John, of Marlborough, gent.

Lydiard, John, of Rockley.

Lydiard, William, of Rockley.

Mortimer, John, of Manton.

Norris, John, of Okebourn St. George.

Phelps, *alias* Bromeham, Richard, of
 Avebury.

Reeves, John, of Okebourn St. An-
 drews.

Sloper, John, of Monkton, gent. (de-
 ceased.)

Smith, William, of West Overton, gent.

Smith, William, of East Kennet, gent.

Smith, Richard, of West Kennet, gent.

Stratch, Christopher, of Manton.

Trusley, John, of Beckhampton.

White, Henry, of Broad Hinton.

1603. September. In the second year of his reign, King James, in company with his Queen, paid a visit to Tottenham park. During another of his progresses, made in 1620, we read the following announcement:—"While His Majesty was a guest at Tottenham, a young gentleman of good sort, one Waldron, was killed by the rise or bound of a buck in the King's presence." (*Letter of Mr. Chamberlain to Sir Dudley Carlton, 4th August.*) Albourn Church contains several monuments to the Walderond family. We learn from Aubrey that about this time "one Mistress Katharine Waldron, a gentlewoman of good family, waited on Sir Francis Seymour's lady, at Marlborough. She pretended to be bewitched by a certain woman, and had acquired such a strange habit, that she would endure exquisite torments, so as to have pins thrust into her flesh; nay, under her nails. These tricks of hers were about the time when King James wrote his 'Demonology.' His Majesty being in these parts, went to see her in one of her fits. She lay on a bed, and the King saw her endure the torments as aforesaid. The room, as it is easily to be believed, was full of company. His Majesty gave a sudden pluck to her coats, and tossed them over her head, which surprise made her immediately start, and detected the cheat." (*Natural History of Wilts*, p. 121.)

GUNPOWDER PLOT.

A writer in the *Notes and Queries*, 17th April, 1852, gives the following description of a custom which he had witnessed in Marlborough on the occasion of the gunpowder festivities. "At Marlborough, in Wiltshire, on the 5th of November, two or three years ago, I noticed a peculiar custom which the rustics have at their bonfires, to which I could attach no meaning, and I did not at the time inquire of any person there regarding it. They form themselves into a ring of some dozen or more round the bonfire and follow each other round

it, holding thick clubsticks over their shoulders; while a few others, standing at distances outside this moving ring, with the same sort of sticks, beat those which the men hold over their shoulders, as they pass round in succession, all shouting and screaming loudly. This might last half an hour at a time, and be continued at intervals till the fire died out. Can any correspondent inform me whether this has any meaning attached to it?

J. S. A."

1612. This year was signalized by the death of the lord treasurer Sir Robert Cecil, made Viscount Cranbourne and Earl of Salisbury, who died at Marlborough on the 24th of May. He occupied in the councils of King James a position somewhat similar to that which Lord Stratford bore to his successor King Charles, the bias of his mind tending to exalt the kingly prerogative and to stifle the popular voice. Still, considering that the mounting spirit of the Commons was not then so fully developed, he was a prudent and accomplished adviser. His chaplain, Mr. J. Bowles, gives the following account of his last journey to Bath to try the waters, and back to Marlborough.

"30th April. We took our journey to Newbury, my lord being very weary, faint, and ill 1st May. We went to Marlborough: by the way he was very ill 2nd May. To Laycock to my Lord Stapelton's 3rd May. Being Sunday, my lord appointed me to preach, when he devoutly heard a sermon and dined and went that night to the Bath." The waters not proving of much avail, the patient left that place, and on the 23rd May we find him again in Marlborough. He was now sinking fast: prayers were said in his chamber, and on the following day, being Sunday, the Diary continues, "after sermon we came into his chamber and went to prayers, and though my lord's weakness was very great, yet with a devout gesture, standing upon his crutches, he with affection repeated the principal parts and passages of the prayer. After dinner

Dr. Poe did rise [from the Earl's chamber] and I came unto him. My lord's head lay upon two pillows upon Master Townsend's lap. Ralph Jackson was mending the swing which supported him. 'So,' saith he, 'lift me up but this once.' Then he called to Dr. Poe for his hand, which having, he gripped somewhat hard, and his eyes began to settle" . . . "and so sunk down without groan, sigh, or struggle :—at the same instant I joined in prayer with him that God would receive his soul and spirit, which short words being suddenly spoken by me, he was clean gone, and no breath nor motion in him. This was the manner, and these the circumstances of my lord's journey to the Bath, and from thence to Marlborough, where he died on the 24th of May, being the Sabbath day; and I doubt not but that it was the passage of one Sabbath to another, unto his eternal rest and quietness." (*In a letter to James Montague, Bishop of Bath and Wells.*)

It appears that the above event occurred in the house of "Mr. Daniel, of Marlborough," the monastic house of St. Margaret's canons, mentioned by Leland as converted (after its dissolution) into the dwelling of "one Master Daniel." The Earl's body, after the process of embalming, was conveyed to his seat of Hatfield, in Herts, where it was magnificently interred.

1618. The following licence, granted by the vicar of Okebourn St. George to Mr. Richard Young, to eat flesh in Lent, carries its own commentary. "Whereas Mr. Richard Young, of Okebourn St. George, in the county of Wilts, Esq., is a gentleman of good age, subject to many sicknesses, divers infirmities, and in body of a very weak constitution, and hath with him in his house his mother, Mrs. Anne Young, widow, a gentlewoman of great age, above fourscore, very sickly, feeble, and subject to divers maladies, and having others in his house sick, and so have long been, to whom fish, by reason of their age, sicknesses, and divers infirmities, is

judged by the skilful (as I am informed) to be very hurtful to their bodies, and likely to breed and bring divers diseases and sicknesses upon them. They therefore have requested me, their minister, the premises considered, to give and grant them licence this time of Lent to eat flesh, for the better avoiding of sicknesses and diseases which by their wholly abstaining from flesh might grow upon them. Know ye therefore, that I, Adam Blithe, minister [master?] of Artes and of Okebourn aforesaid, vicar, duly considering this their so lawful request, and tendering the health and welfare of the said Mr. Richard Young and Mrs. Anne Young, his natural and aged mother, have given and granted, and by these presents do give and grant, to the said Mr. Richard Young and Mrs. Anne Young, and to four persons more, leave, power, and licence (so far as in me lyeth, and by law safely I may without danger, and no farther,) to dress, or cause to be dressed for them, to eat flesh this time of Lent now following, prohibiting them nevertheless, and by this grant forbidding them all manner of shamble-meats whatsoever. In witness whereof to this present licence, I have put my hand and seal. Dated and given at my house in Okebourn aforesaid, February this 13th, 1618. By me ADAM BLITHE the Vicar." (*Ibid.*)

Master Richard Young must have been a man of substance, as he figures in a list furnished in 1611, by the Deputy Lieutenants of the county, naming such of the gentry as they deem "fit to lend money to the King's Majesty."

THE SEYMOUR FAMILY.—Whether or not Queen Katharine Parr ever resided at Marlborough Castle is doubtful, but her successor to the estates, the Protector Somerset, appears to have done so occasionally. In touching upon the history of his distinguished family, it is necessary to go back as far as the Conquest. The Esturmys, whose ancestor Richard held lands in Wilts and elsewhere *in capite* of William the Con-

queror, were, as we have already seen, for a long period, hereditary bailiffs or keepers of Savernak forest. Their tenure lasted from Henry II's reign till near the end of the fourteenth century, when it went in marriage with Matilda, daughter and co-heir of Sir William Esturmy of Chadham and Wolfhall, to Roger Seymour. The Seymours or St. Maurs, according to Fisher's genealogical history, came originally from the Welsh Marches, though the occurrence of the name of John Semere [the sower] in the burgess roll of Marlborough in 1333 faintly suggests a more proximate descent. After this marriage, the name of the new possessors became conspicuous enough. Sir John Seymour, of Wolfhall,^x grandson of the heiress of Esturmy, was the father of Jane Seymour, Henry VIII's third queen, and consequently grandfather to Edward VI. Edward Seymour, the great Duke of Somerset and Protector of England in 1547, was the brother of Jane. At her marriage with Henry in 1536, he had been raised to the peerage by the title of Viscount Beauchamp, in the following year was created Earl of Hertford, and in 1548 he was made Duke of Somerset, lord Treasurer, Governor of the young King Edward, and Lord Protector of the realm. He was the distinguished military advocate of the projected match between King Edward and Queen Mary, and completely overthrew the Scots at Musselburgh; but the Scottish nation "liked not the wooing," and preferred a French alliance. Somerset's ambitious career almost immediately afterwards received its first check; and by the intrigues of Dudley Earl of Warwick, he was even incarcerated in the Tower and heavily fined. After his submission and pardon in 1550 he recovered his former possessions, amongst which the following are enumerated: "The Castle of Marlborough, the lordships and manors of Barton, Ludgershall, Albourn and Old Wotten, the parks of Ludgershall, Great Vastern, Little Vastern, Albourn chase, Albourn warren, and the forests and liberties of the forests of Braden and Savernak with appurtenances."

Two years after witnessed his decapitation on Tower Hill.

At this place lived or had lived William Morrinan whose name is found in two lists of King Henry 8th servants in the kitchen and accompanied him to the field of the cloth of gold, he is styled W. M. in one list. His son was appointed fish protection

In the male line of this family the Wiltshire estates continued till 1671. Edward Seymour, son of the Protector, married Catharine Grey, and was the father of Edward Lord Beauchamp, who died in the lifetime of that father, but whose son William was created Marquis of Hertford in 1640, and restored to the title of Duke of Somerset in 1660. This William Duke of Somerset (reckoned the ^{second} ~~third~~ duke) was the father of Henry Lord Beauchamp, who did not live to come to the dukedom, and whose only son, the ^{third} ~~fourth~~ duke, died unmarried in 1671, but whose daughter, Elizabeth Seymour, became the wife of Thomas Bruce second Earl of Ailesbury (as also third Earl of Elgin in the Scottish peerage) and the mother of Charles third Earl of Ailesbury (and fourth Earl of Elgin). This Charles, third Earl of Ailesbury, left an only child Mary, and in his person therefore the earldom became extinct, but his possessions were inherited by his ^{house} nephew, the fourth son of the Earl of Cardigan, who assumed the name and cognizance of Bruce, and was created fourth Earl of Ailesbury, and in his family they still remain.

Certain curious particulars relating to this family will be given in the Appendix. In the mean time we have merely to refer to the Earl of Hertford, son of the Protector, in his local capacity of lord lieutenant, and as a neighbour to the good town of Marlborough. The great house, afterwards known as the Castle Inn, not being then built, I am inclined to think that the place was rather ruinous, and that for this reason among others it was that Lord Hertford preferred to inhabit the mansion of Amesbury (he also dates from Tottenham). It was reserved for his grandson Francis (afterwards Lord) Seymour, to remodel the spot and adapt it to modern ideas of convenience. It is not improbable that during James I's reign the castle was inhabited by the Lee family. A MS. scrap of modern date, but which I am unable to verify, thus refers to this circumstance: "Lord Lee must have had property at Marlborough, else why did he not take his title

Bishop of Down & Connor by Queen Elizabeth¹⁰. He must have been one of the Merdian family of, or about, Marlboro'.

from Westbury?" " Heylin makes this curious remark : ' King Charles at his coronation made it [Marlborough] more notable, in making it the honour as it was the neighbour of ' ' [the Earl of Marlborough]. Possibly he was for awhile located at Lockeridge. Reference to his residence in this neighbourhood will again occur at the breaking out of the war.

In his capacity of lord lieutenant of Wilts and Somerset, the Earl of Hertford exhibits the character of a most loyal and energetic servant of the crown, notwithstanding the "hard measure" which in his early life he had received at court. One of his main duties was to nominate, from among the gentry of the county, deputies, colonels, and other officers, who, in their turn, had to superintend, in conjunction with the justices of the peace, the training and periodical mustering of the militia. Judging from the numerous and ingenious excuses set up for exemption, these subordinate commissions appear to have been irksome and unprofitable ; but Hertford, long trained to the maxims of passive obedience, and entertaining a dutiful regard to the foibles as well as the interests of his royal master, never failed to exact from his deputies a rigid observance of the same principles. One of his mandates is designed to forward a project of King James' for establishing the breeding of silkworms throughout the county. Another, far more dear to the monarch's mind, directs the lieutenants, during a sessions held at Marlborough in 1611, to give the names of all such persons as were able to contribute loans (as they were termed) to the King's Majesty. The lists thus furnished are probably unique, and possess some interest as shewing at a glance, not only the principal gentry in Wiltshire, but also (an approximation to) the value of their respective estates. It is difficult to state exactly what was the whole military force of the county at this period, the names of the companies must therefore suffice. There was Sir Edward Penruddock's regiment, who mustered at Salisbury ; Sir Thomas Thynne's regiment, who mustered at Warminster ;

that of John Hungerford, Esq., at Chippenham, and that of Sir John St. John at Marlborough; the light horse companies of Henry Mervin, Esq., and Sir George Ivie, the former meeting at Salisbury, the latter at Chippenham; and Sir Thomas Snell's Demilances of Marlborough. The above comprehend all who were summoned to attend a muster in 1610; but at other periods there occur notices of Sir John Ernley, captain of fifty light horse at Devizes, Sir William Button's regiment, Sir Walter Vaughan's fifty light horse at Sarum, Sir Henry Baynton's regiment, and Captain Thomas Sadler's horse-troop raised by the clergy. There was also a separate band of one hundred foot furnished by the city of Salisbury, a custom which the mayor and brethren appear to have maintained with some jealousy.

The book relating to the trained bands of this town dates from 1585 to 1618.

Mr. Lovell and twenty-seven others are assessed for the payment of the town-ditch money. The trained bands, a small body of forty, more or less, distinguished as pikemen, calivers, archers, and billmen, the pikemen only wearing corslets: their arms being served out by Sir John Danvers, Mr. Reade, and John Warneford, Esq. In 1587 a list is given of 274 names, and in 1601, another list of 845 names of the men in Marlborough able to bear arms, between the ages of seventeen and sixty. But in addition to the standing corps above described, nearly all the able men in the town were compelled by law to keep a brown bill or other offensive weapon always at hand to assist in keeping the peace.

SIR FRANCIS SEYMOUR, and his brother, the Marquis of Hertford, are personages so conspicuous in the ensuing chronicle of Wiltshire events, that we must needs take an introductory glance at their personal history. They were the grandsons of the Earl of Hertford, mentioned above, under date 1611 et seq.: their father, Edward Lord Beauchamp

(who died in the lifetime of the Earl), having married Honora, daughter of Sir Richard Rogers, of Brianston, co. Dorset, a match of which the old earl so highly disapproved, that he caused his son to be apprehended one day in the neighbourhood of Reading, "and kept him from his wife, and his wife from him."

Of the two grandsons, William, the elder, afterwards Marquis of Hertford, lord lieutenant of Wilts, General of the King's forces in the West, the conqueror on Roundway Down, and finally the restorer of the Somerset dukedom, was the adventurous youth who, without the sanction of King James, had presumed to marry the Lady Arabella Stuart. But as the history of this affair, as also of the other alliances of the house of Seymour with the crown, will be hereafter given, when treating of Lord Ailesbury's descent, further details on this head are deferred. At present, Lord Clarendon will be sufficient for our purpose. "The Marquis of Hertford," he says, "was a man of great honour and fortune, and interest in the affection of the people; and had always undergone hard measure from the court, where he long received no countenance, and had no design of making advantage from it. Though a man of good parts, and conversant in books, both in the Latin and Greek languages, and of a clear courage, of which he gave frequent evidence, he was so wholly given up to a country life, where he lived in splendour, that he had an aversion and even an inaptness for business." Independently of his friendship for the Earl of Essex (whose sister was his second wife), his principal acquaintance were amongst those who were reputed as "best affected to the liberty of the kingdom, and least in love with the humour of the court." But as soon as he suspected their designs, he severed himself from their alliance, concurring neither in the prosecution of Strafford, nor in a single vote which he regarded as dishonourable to the King. (*Hist. of the Rebellion.*)

Before the war of words had issued in that of the sword,

there was a large amount of colloquy passing between the belligerents, touching Hertford's office of Governor to the Prince of Wales, an invidious post, which had been thrust upon him by the desire of the parliament, and the consent of the King. The professed design of it was to screen the youthful Charles from Romanist influences, and the earl was therefore repeatedly charged not to suffer him to go beyond the seas; and when, on one occasion, during the King's absence in the northern expedition, the Queen enticed the prince from Richmond to Oatlands, to celebrate, as she stated, the birthday of one of his sisters, Hertford was instantly despatched on the uncourteous errand of carrying him off again, with strict orders to see to it, that his youthful studies were not again disturbed. Finally, in February, 1642, he was ordered to carry the prince to London; but long ere this, we may conclude, he had wiped his hands of parliamentary commissions.

Of his brother, the Lord Seymour, who resided at Marlborough, and who built for his residence the large house afterwards known as the Castle Inn, and subsequently constituting the nucleus of Marlborough College, the historian observes, that he "was a man of interest and reputation, who had been always very popular in the country, where he lived out of the grace of the court; while his parts and judgment were best in those things which concerned good husbandry, and the common administration of justice to the people. In the parliament of 1620, he had sat as knight of the shire for Wilts; and serving afterwards for Marlborough, he acquired the friendship of the Earl of Strafford, and was, by his interposition, called to the House of Peers; and when the King went to York, he left the parliament and followed his majesty, and remained firm in his fidelity." (*Hist. of the Rebellion.*)

[The Preshute parish register records the burial of some of the workmen, accidentally killed during the construction of Lord Seymour's house; now the college.]

1640.

The members returned for Marlborough to the celebrated convention, known as the Long Parliament, were Sir Francis Seymour and John Franklyn, both residents in the town—and both the avowed enemies of monopoly. This must have been a choice of representatives highly agreeable to the mass of the inhabitants. Nor could it have been obtained, we may be sure, without a vigorous struggle from a powerful minority in the borough, had not the aristocratic tendencies of the Seymours been sufficient warrant that Sir Francis would not be led too far astray in the popular direction. The tendency of public opinion in the town may perhaps be further gathered from the fact that Oliver St. John, the famous republican lawyer and chief justice, dedicated or addressed his first brochure against King James's compulsory-loan system, to the mayor of Marlborough. On the other hand, the strength of the royalist element is indicated by the character of two of the representatives who preceded Seymour and Franklyn, viz.: Henry Piercie, brother to the Duke of Northumberland, and Sir William Carnaby, both subsequently disabled from sitting in the Long Parliament, one for Northumberland, the other for Morpeth. But, divided though the inhabitants of Marlborough might be in sentiment, they were co-sufferers, perhaps to a greater extent than any other community in the kingdom, in the calamities of the war. This arose partly from their proximity to Oxford, the royal head-quarters, though principally, no doubt, to the very decided views expressed by the majority in favour of Protestantism and a liberal form of government. Eight years before the war broke out, Kennet, in his *History*, informs us that, "the greatest part of Wiltshire was overgrown with the humours of those men who do not conform." (Vol. iii, p. 8.) But of all the county of Wilts, we further learn from Clarendon, Marlborough was "a town the most notoriously disaffected, otherwise," as he goes on to

observe, "saving the obstinacy and malice of its inhabitants, in the situation of it, very unfit for a garrison." The inhabitants early came forward in their contributions towards the loan raised for the suppression of the Irish Catholic rebellion, in which no less than in other popular demonstrations, they were ably stimulated by their representatives in parliament, Sir Francis Seymour and John Franklyn. It is true Sir Francis sided with the King so soon as the crisis seemed approaching, but his place was supplied by one who remained steady to the parliament's cause throughout the struggle. One of the first acts of the Long Parliament had been to receive petitions from all the counties of England, and from the various victims of the star chamber. The Wilts petition was presented by this same Sir Francis Seymour, who, in the language of Oldmixon, distinguished himself in the following year as being "the first patriot called off from the pursuit of grievances." On his going over to the King, he was created Baron of Trowbridge.

The entries in the Commons' and Lords' Journals relating to Marlborough and its representatives, previous to and simultaneously with the breaking out of hostilities, constitute a considerable group. Such technical matters will perhaps be best disposed of by exhibiting them in unbroken series, commencing in the previous century with the reigns of Mary, Elizabeth, and James; whereby the progress of public opinion will be distinctly traced, and we shall, moreover, become acquainted with many of the actors in the subsequent drama.

1558, 28 Feb. John Young and William Daniell, burgesses for Marlborough, are licensed, by Mr. Speaker, to be at the assizes in Wilts for great business.

15 Nov. 1566. Leonard Daniell, burgess for Marlborough, for his great affairs, is licensed by the House, to be absent.

5 April, 1604. A bill is brought from the Lords, entitled, 'An Act for the Assuring of divers Lands and Tenements to the Dean and Canons of Windsor; and of Assuring a Lease of

the Prebend of Bedwyn to Edward, Earl of Hertford.' For this case at large see the Appendix.

18 Feb. 1626. Mr. Kirton electeth Marlborough and waveth Ilchester.

20 March, 1628. Sir Francis Seymour, returned a knight for Wilts and also a burgess for Marlborough, electeth to serve for the county.

1628. Mr. Daniell, of Marlborough, with others, are named by the Lords as a commission to examine the lands belonging to the antient Free Grammar School of Wotton-under-Edge, lately mismanaged.

LORDS' PRIVILEGES, 1610.

3 May. "Upon signification given to this High Court of Parliament, that Matthias Hill, servant in ordinary to the Lord Stafford, hath of late been arrested at the suit of John Dunstar and Henry Stephens, of London, by William Reynolds, *alias* Westbury, bailiff of the town or borough of Marlborough, in the county of Wilts, at the instance and by the procurement of John Hiscocke, of Marlborough, aforesaid, contrary to the honour and privilege of the said Court: It is therefore ordered, by the Lords' spiritual and temporal, that, as well the said John Dunstar, Henry Stephens, as the said William Reynolds, *alias* Westbury, and John Hiscocke, shall be brought into this Court, by the serjeant-at-arms attending the House, upon Saturday next, 5th of May, at eight in the morning, to answer for their contempt and breach of privilege of the said Court." (*Lords' Journals.*)

14 May. "This day Henry Stephens, of London, at whose suit Matthias Hill, servant to the Lord Strafford, was arrested, together with John Hiscock, an attorney, who procured the said arrest, and William Reynolds, *alias* Westbury, bailiff of Marlborough, who made the arrest, were brought into the house by the serjeant-at-arms; and forasmuch as it appeared that the said Matthias Hill was arrested without the

privity of the said Stephens, or of John Dunstar the other creditor, therefore the said Stephens and Dunstar were, by their lordships, discharged of any further attendance; and for that it appeared, after the said John Hiscock, the attorney, and William Reynolds, the bailiff aforesaid, had been heard to say what they could for themselves, that by this arrest they had offended against the privilege of this Court, they were therefore committed to the prison of the Fleet for their contempt in that behalf." On the 19th Hiscock and Reynolds were again brought to the bar of the House, and upon acknowledgment of their fault, and humble submission, were discharged.

1624. An Act passed the House of Lords to enable William, Earl of Hertford, and Sir Francis Seymour, Knight, brother of the said Earl, to convey certain lands for the payment of his debts, and for establishing of other lands in lieu thereof, and of better value.

SEYMOUR'S SPEECHES. Under James I, the divine right of Kings was strained to its utmost. The history of the parliament and Church of England, during the early part of this reign, exhibits a prostration of spirit in all parties, except the Puritans, quite humbling to our national vanity. Every one was prepared to cocker the King's vices, and to mimic his pedantry. Hardly a member could stand up in the House and say half a dozen words, without flourishing a Latin quotation, or elevating James beyond the race of mortal men. Sir George Moore said they could not follow a better guide than his Majesty, though, like Peter, afar off. His very superstition became fashionable; and the flight of a jackdaw into the House, on one occasion, was looked upon as an omen unfavourable to the bill then pending, and chronicled by the clerk as such. A more glaring instance of abject homage could hardly be furnished than by the examination of Edward Floyd, Esq., for speaking jeeringly of the Queen of Bohemia, James's

daughter. One member after another starts up and proposes some cruel or grotesque form of punishment, such as boring the tongue, pillory, fining, flogging, riding backwards on horseback, with his beads and friar's girdle about him. Sir George Goring moved for "twelve rides on an ass; at every stage to swallow a bead, and twelve jerks to make him. As he laughed at the loss of Prague, therefore let him cry by whipping," &c. &c. Sir Francis Seymour, of Marlborough, delivered his judgment, as follows:—"To go from Westminster, at a cart's tail, with his doublet off, to the Tower, the beads about his neck, and to receive as many lashes by the way as he had beads." The riding backwards and fining were finally inflicted, but no whipping.

Although Seymour, on this occasion, took the side of prerogative, and afterwards, as we shall see, fought for the King, yet for a long time he came to be regarded quite as a popular advocate. Thus, for instance, he spoke fearlessly for the privileges of the kingdom and of the House as early as 1621. In 1623 he ridiculed the Spanish match; suggesting that the promised portion would only turn out to be a pension, and that the jewels mayhap would prove to be counterfeit. He also busied himself, before James' death, with the subject of the heralds' extortions. In 1623 these officials had, he said, been perambulating Wiltshire, demanding of every knight 45*s.*, squire 35*s.*, and gentleman 25*s.* Their demands for attendance at funerals were also very oppressive; and on every corporate town, where the King passed through, with the sword before him, they levied £5.

15 Feb. 1641. *Ordered*, That Mr. Charles Gore be sent for as a delinquent, by the serjeant-at-arms, for speaking very scandalous words against Sir Francis Seymour, as a member of this House. [The nature of the scandal is not stated.]

25 Feb. 1641. *Ordered*, That a warrant issue forth for electing a burgess, to serve for Marlborough, in the room of Sir Francis Seymour, now created a baron, and called up to

the Lords' House. *Ordered*, That whereas Sir Francis Seymour was one of the committee of twenty-four, appointed to draw up the Remonstrance, and is now called up to the Lords' House, That Sir Edward Hungerford be added to that committee in his stead.

22 Feb. This day, in the House of Lords, Sir Francis Seymour, being created Baron de Trowbridge, was introduced between the Lord Paget and the Lord Howard de Charleton, having, on his knee, presented his patent and writ unto the Lord Keeper, dated 19 Feb., 16 Car. Regis, which were then delivered to the clerk, who carried them to his table and read the writ; which, being done, he was led by the Lord Great Chamberlain and the Lord Mowbraye (deputed lieutenant by the Earl Marshal his father), and placed lowermost upon the baron's form.

27 Feb. Mr. Gore, formerly committed for speaking scandalous words against Sir Francis, now Lord Seymour, was brought, by the serjeant-at-arms, to the bar, and, after kneeling awhile, was ordered to stand; and the Speaker having repeated the words, he said he remembered not any such words, but, if they had slipped from him, he protested his sorrow, and submitted to the judgment of the House; upon which submission he was discharged, paying his fees.

4 May. The petition of divers inhabitants of the borough of Marlborough was this day received, and is ordered to be referred to the same committee as the other petition concerning this election is referred, where Sir Guy Palmes has the chair.

6 May. Mr. Philip Smith, a member of this House, received of me [the clerk?] the petition of divers the inhabitants of Marlborough, to carry to the committee.

Lord Seymour's escape from the surveillance of the rebellious portion of the House of Lords, was not accomplished without some difficulty, as the following entry on the Lords' Journal testifies,—

4 April, 1642. This day the Lord Seymour attended this House, according to their Lordship's order, and gave the House the following account:—That he having leave of this House to go to his own house in Wiltshire, to settle his affairs there, was, during his journey down, overtaken by a messenger, who delivered him a letter from the King, commanding him to come to York to attend his Majesty. That having received this command he went presently towards York, but having reached Northampton, received an order from this House to return back hither and attend their Lordships, which he had accordingly obeyed, and now waited to know their pleasure. Hereupon it was ordered, That the Lord Seymour should attend the House as a peer of the realm, and be excused from going to York, in regard of the great businesses now in agitation in parliament. Three days after, he gets leave of absence for the space of ten days, and this may therefore be regarded as the date of his emancipation, though he evidently had not yet the courage fully to declare himself. About a fortnight after, the Earl of Stamford, who had been to York in the parliament's interest, was returning to town, and, although he had seen nothing of Seymour, he now overtook him coming from the same place. Lord Seymour begged the Earl to inform the House that while he was going into Wiltshire, in accordance with their permission, his progress was again arrested by a command from the King to repair to York, whither he accordingly went; but was now going back to Marlborough to superintend his affairs in the country, and would certainly attend the House within a few days. What was the nature of his conference with the King will shortly appear. In a few weeks the impolicy of any further trimming was decided by the King's ordering the Commission of Array to be put in execution in all the counties.

11 June. Whereas the House is informed that the town of Marlborough has collected £600 towards the loan desired of them; They do order that Mr. Franklyn, who serves for that

town, do return thanks to the said town for their forwardness in this service.

11 July. "*Ordered*, That Sir Robert Pye and Mr. Franklyn do write a letter to the commissioners for the bill of £400,000 in Wiltshire, to provide that the town of Marlborough may not be prejudiced in their tax and payments towards that bill, in regard of their forwardness to the contribution for the relief of Ireland." A second reference to the above letter states its object to be a *caveat* against the assessment on Marlborough being raised to a greater proportion than that of other places.

"*Ordered*, That Sir Edward Hungerford and Sir John Evelyn be enjoined to go down into Wiltshire, to see the Ordinance of the Militia put in execution in that county, and to give their best assistance thereunto; and to advance the propositions for bringing in of plate, money, and horse. And the difference about the levying of the moneys, payable upon the bill of £400,000, in the hundreds of Downton and Warminster, is likewise referred to their consideration."

12 July. "*Ordered*, That the treasurers, appointed by the Act for contribution money, shall forthwith receive the moneys now brought to town, as moneys lent by divers of the inhabitants of Marlborough, upon Mr. Speaker's letter, towards the supply of the necessities of Ireland; and that they give a receipt of the same unto Mr. Smyth and Mr. Franklyn, burgesses of the said town, on the behalf of those that lent the same.

"*Ordered*, That licence shall be given to convey the magazine of powder and match now in Marlborough, to such places as the mayor of the said town, with the consent of any two of the deputy-lieutenants of the county, shall appoint."

But while the parliament was thus fortifying its cause in Wiltshire, the King's friends were not inactive. The rebellion having fairly shown itself by the revolt at Hull, in the summer of 1642, his Majesty lost no time in directing the Marquis of Hertford, who, as before stated, was lord lieutenant of Wilts

and Somerset, to exercise his own function in this district, by putting in execution the royal commission of array. The parliament, on the other hand, having despatched the Earl of Pembroke into Wiltshire, armed with a counter commission as their own lord lieutenant, the result of these orders, in Marlborough at least, appears in the following extract from one of the journals of the day. "From Marlborough, on the 18th of this present July, the militia was put in execution, at which place there met about 400 foot completely armed, under the command of Captain Diggs, Captain Daniel, and others; about a hundred volunteers from the town of Marlborough. These men have made gallant expression of their intentions to spend their lives and fortunes in the defence of the King and Parliament The Marquis of Hertford and the Lord Seymour are every day expected [on the part of the King] to put the commission of array in execution."

The next notice on the pages of the Commons' journals is dated 28th July, and records the reading of a letter from one of the inhabitants of Marlborough, sent to Mr. Philip Smyth the member, concerning the removal of the magazine from the town on the 25th of this instant July. And the House thereupon took notice of the carriage of the townsmen, and Mr. Smyth was ordered to return them thanks.

"*Ordered*, That the Lords be moved to send down orders into the counties of Somerset and Wilts for the apprehending of the Marquis Hertford, the Lord Seymour, and such other commissioners as shall put the commission of array in execution in those counties."

On the 8th of August the "Committee of the state of the Kingdom" received intelligence of great outrages committed on the inhabitants of Wilts and Somerset in the execution of the King's levy. These proceedings, whatever they were, appear to have so far provoked the indignation of the common people, that the marquis considered his own personal safety endangered, and accordingly repaired towards Somersetshire.

He was watched for, day and night, particularly near his residence at Amesbury, but the parliament was informed that up till the first of September he had not been seen in Wiltshire, since a visit he had paid at the house of his friend Lord Lee at Marlborough.

THE SIEGE OF MARLBOROUGH.

The destruction of this town and garrison at all hazards, seems to have been a plan resolved on by the royalists very soon after they got into their winter quarters at Oxford; for though, as Clarendon observes, the season was so far advanced that the roads were nearly impassable, and the King's troops might naturally have expected an exemption from active service, yet Lord Digby willingly undertook the expedition, and with 400 horse left Oxford for that purpose on the 24th November, 1642. Sir Neville Poole (of Charlton Park) one of the members for Malmesbury was at that moment just arrived at Marlborough, and was no doubt engaged in organizing the small body of militia appointed for its defence, whose numbers exceeded not one hundred and fifty. On the 25th Lord Digby suddenly made his appearance on the green before the town, called Marlborough Common, and sounded a parley, which having been responded to, Mr. Vincent Goddard emerged from the ranks of the royalists as the King's representative, while from the opposite side, Sir Neville Poole advanced in the name of the parliament. Sir Neville having left orders to enlist as many of the countrymen coming to the market as could be induced to take up arms for a limited period, prolonged the term of the treaty till his volunteers had swelled to nearly 700, and then returned this answer: "That the King's Majesty, provided he were attended in royal and not in warlike wise, should be as welcome to that town as ever was prince to people; but as to delivering up the good town of Marlborough to such a traitor as Lord Digby, or admitting any of his traitorous rabble within their lines, they

declared they would sooner die, notwithstanding his threatenings to batter the place with his artillery which he pretended was at hand." Ten of his musketeers then advanced, and having discharged their pieces with some effect, retreated to their lines. Lord Digby remained on the ground during the day, doubtful what course to pursue, but eventually fell back upon Albourn where he intended to quarter for the night; but so elated were the Marlborough men with their transient success, that they sallied out in the dark, broke into the royalists' quarters, compelling them to march off at midnight to Wantage, and crowned their adventure by securing the person of Mr. Vincent Goddard, with whom they marched home in triumph.

This Mr. Vincent Goddard (judging by corresponding dates) was the second son of John Goddard of Upham, Standen Hussey, Cliffe-Pypard, and other places, by his second wife Alice, daughter of Thomas Goddard, Esq., of Okebourn St. George, by Jane daughter of John Ernley, of Cannings. He would be about fifty years of age at the time of the above occurrence. Likely enough he is the same person mentioned afterwards in 1655 as a commissioner under Cromwell for the county of Berks. Many a nobler name than Goddard recognized the great man when he appeared.

The inhabitants were by this time become sufficiently alive to the fact, that their proximity to Oxford, and the temptations to booty which their flourishing market offered, were circumstances which would at all times render them liable to visitations from the same quarter. Before the next market day arrived therefore, urgent application was made for assistance and advice at the head-quarters of Lord Essex, the parliamentary commander-in-chief, who then lay at Windsor. He sent to aid them in fortifying the place, two Scottish officers, a sergeant-major, and a captain; one of whom, Colonel Ramsay, had commanded Essex's left wing at Edgehill. Under their guidance the main entrances were

barricaded, and horn-works thrown up northward of the town. These consisted of pairs of demi-bastions, each pair being united with a curtain. The river appears to have been regarded as a sufficient defence on the south. From subsequent events we may also conjecture that they appointed "Lord Seymour's mound" (as it was called) as a post of retreat in the event of the town itself being taken. Lord Seymour's house, situated at the foot of this mound, must have been regarded by its owner as a place of great strength, since, though standing in the midst of a disaffected population, he had ventured to leave therein his lady and daughter, guarded only by a few domestics. Lord Digby's first coming was so unexpected, that the ladies had not time to quit the place; and when Ramsay found it necessary to fill their house with his musketeers, they found themselves prisoners of war.

In the House of Commons, meanwhile, Mr. Franklyn, one of the members for Marlborough, read a letter, describing Lord Digby's approach, and also the capture of Mr. Vincent Goddard and the Ladies Seymour: whereupon the House sent down a message, "that the said prisoners should be kept at Marlborough, in safe custody;" and at the same time, "Ordered, that Mr. Jennour and Mr. Smith should write to the deputy lieutenants of the county of Wilts, to require them to issue out so much money, upon account, out of the proposition monies of this county, to the forces in Marlborough, as they should think fit; and to make public announcement that all persons willing to deliver provisions and supplies upon ticket, to the soldiers there serving, should have the assurance of the House for repayment of the same."

Franklyn was most probably himself the bearer of this commission to the county authorities, for it is evident from the narrative that he lost no time in repairing to the post of danger, and co-operating with the Scottish engineers. Having represented his constituents in parliament, he now hastened to defend them in person.

Various troops of the King's were drawn together before the next Saturday arrived, in order to make an overwhelming attack on the devoted town. Wilmot, the lieutenant-general of horse, united his dragoons with those of Lord Digby, which together constituted a force of 4000 men. Writing to Prince Rupert on the 1st of December, Wilmot describes himself as having reached Abingdon, on his way to Wantage, but complains loudly of the heedless manner in which he and his troops had been sent forward, "without any forecast or design as to quarters." On the following day he reports his army as having reached Wantage, on their way to Marlborough. To co-operate with Wilmot, Lord Grandison and Colonel Grey brought up two regiments of cavalry from Basingstoke. A writer from that town to one of the London journals says, "Here lay my Lord Grandison's troop of horse, and Colonel Grey's dragoons: we had employment enough to dress the meat and find drink for them. Last Friday they went away, and, as we hear, are gone to Marlborough, and many say they heard the guns go off very fiercely." Signed H. W.

On Saturday, then, the 3d of December, the enemy again appeared in sight, but their full complement not being made up, they were observed to be merely hovering about the town on the neighbouring hills, "keeping," as our authority has it, "out of the breath of the town muskets." The market folk with their horses were now compelled, by Franklyn and the two Scots, to remain in the town, and assist in its defence. Indeed they could hardly have acted otherwise, for it would have been the height of imprudence to venture forth with their teams while the cavaliers beset the roads.

Sunday, 4th December. Lord Grandison and Colonel Grey arrived from Basingstoke, and having come through the forest, were descried to the south and east of the town, where they were immediately assailed by a corps of musketeers, who issued out of the town, and chased in the direction of the Okebourns; probably crossing the river at Mildenhall, to

unite with their associates, who lay at one or other of the first-mentioned villages. During the ensuing night, some of their scouts approached the town, and fired at the sentinels stationed at an advanced post. These latter, in return, discharged their pieces at random, and actually killed two of their midnight invaders, as was afterwards acknowledged by the enemy. The town was for a short time thrown into considerable alarm by the report. In the morning they picked up from the spot, a gauntlet, a cap, and a bloody handkerchief.

Monday, 5th December. On this day the grand assault was made. The horse, under Lords Grandison and Wentworth, and Colonel Grey's dragoons, faced the town all along the north side, while Lord Digby and Sir Daniel O'Neile prepared to invest the southern approaches. In this attitude the cavalry remained stationary for some time, till Colonel Blake with the infantry and heavy artillery should arrive. Two and three pounder shots were the first discharges, but owing to the declivity of the ground on which Marlborough stands, and the attack being made from the north, where most of the houses are out of sight, and consequently beneath the range of the guns, the shots flew over the houses without doing any damage. Colonel Blake now brought up and stationed large pieces of eighteen and twenty pounds, but from the same cause they were comparatively unserviceable. In fact it was afterwards stated, that not ten shillings worth of damage had been done by the long guns to any one house. It is true the royalists might have carried their artillery across the Kennet, and bombarded the town from the height on the south, where every house is visible; but this would only have been to destroy the place, without facilitating an entrance, for the river was a far greater obstacle than the horn-works on the common. Such a plan too would have been a work of considerable time and difficulty. The object of the royalists seems rather to have been by a grand demonstration of strength, to overawe the inhabitants into immediate sub-

*ms. N.S. de
by p. 75. (marked)*

mission, and thus avoid the necessity of fighting. With this view, having captured a spy (as Clarendon informs us), they paraded the army before him, and while he looked for nothing short of hanging, they gave him his life and liberty, on condition that he should return to the town, and publish abroad the numbers and gallantry of the King's forces, and the folly of attempting to resist them. Whether this incident took place on the day of the siege or previously, does not appear. To return to the battle.

The defenders of the works on the north-east were now assailed by three parties. Colonel Blake's infantry got within musket shot, under cover of some hedges, and being seconded by Lord Rivers's foot and Colonel Grey's dragoons, a brief contest was maintained with small arms, which resulted in the royalists retiring with considerable loss. On the north-west Sir William Pennyman's and Sir James Pennyman's foot and Usher's dragoons planted a battery, and attacked a post defended by only twenty-four men, but with no better success; while their great guns only pierced two or three houses in the rear. This desultory mode of assault lasted three hours, during all which time not one of the defenders fell. But at this juncture a barn containing a body of musketeers was fired by a shell, and immediately afterwards a house behind it, where their principal strength lay. This body commencing a retreat, the royalists burst the lines, out-flanked a party who still lay in their works, and dashed into the centre of the town by a passage which led through one of the great inns, crying out, "A town! a town for King Charles!" The foot having speedily cleared the way by removing some of the barricades, the cavalry charged in at both ends of the town; but the place was not yet their own, for an obstinate fire was maintained from the windows, and behind the barricades which had been raised in all the streets. While the inhabitants were still fighting, many women were seen assisting in extinguishing the flames and encouraging

their husbands to stand to their posts. But the enemy having entered, all discipline was at an end. The market people, x who had been induced to carry arms, only bred confusion and dismay among the more regular troops. Many threw their firelocks into the river and escaped out of the town. Captain Diggs, one of the Marlborough officers, refused to act against the royalists. Ramsay, with a handful of musketeers, got into one of the churches and for some time made a successful resistance, but was at last taken, with several of his officers. Sir Neville Poole, with the halberds and pikemen, retreated to Lord Seymour's Mound, carrying with them Lady Seymour and her daughter. On the top of the mound they fixed two images, dressed in white aprons and black hoods (the costume of the day), to represent the ladies, and sent word to the enemy that if they approached the mound they would witness the destruction of the fair prisoners. This threat was probably not needed, the royalists appearing to think that any further fighting was unnecessary, as they already had the town in their hands, and were proceeding to the more congenial work of pillage. Clarendon's statement is, that "so many were killed out of the window that fire was put to the next houses, so that a good part of the town was burned, and then the soldiers entered, doing less execution than could reasonably be expected; but what they spared in blood they took in pillage, the soldiers inquiring little who were friends or foes." This is true only in part, for a great deal of the burning took place when resistance was at an end.

Property that was not immediately available was ruthlessly destroyed. Books were piled in heaps and burnt. In the shop of one bookseller, supposed to be John Hammond, a bonfire was fed for three hours with his stock in trade. Other consumed articles are catalogued as follows:—"Hogsheads of oil, vessels of strong waters, vinegar, aqua vitæ, treackle, spices, and fruits." One miscreant applied fire to a shop stored with oil, hemp, and tar, but a neighbour put it out.

compelled by the towns people to stay & help, and barricade the street with the market waggons. Told by Philip Simonds to P. B. Merriam in a party being personally known to the grand father of the old man, P.B. died Feb. 1820 aged 88" see M. J. book on Merriam family p. 75. (marked)

Others placed fire under the pent-house of a woollen-draper's shop, but this also was extinguished. Goods were sold to the first chapman that offered a price; of which, bibles (much more expensive articles in those days than at present) are instanced as having fetched only sixpence and twelpence a piece. Tables were slashed, windows broken, horses stabled in parlours, and decently clad persons compelled to exchange garments with the common soldiers; a fine opportunity for men whom Clarendon himself terms "the King's half-starved troops," and who, he admits, often marched without shoes or stockings. In short, they were just what one narrator of these events styles them, "all hungry, gaping thieves," let loose upon society in the name of the King. That society, it is true, had challenged the King's authority, and had therefore only to complain of the fortune of war.

But we have not yet exhausted the list of their calamities. The town-house was broken up, and the chests of records, court-books, deeds, and leases of the borough lands, rifled and dissipated, and the last charter carried off. The market wains were loaded with £200 worth of cheese and other goods, and together with 120 prisoners, sent off to Oxford. Forty of these prisoners were inhabitants of Marlborough, and the following are some of their names: John Franklyn the member, Robert Brown, Thomas Hunt, John Bayly's son, Robert Bryant, William Bryant, William Tarrant, Joseph Blisset, and Lewis Cragon. The loss to the town altogether was calculated at fifty-three dwelling-houses, seven barns full of corn, and goods to the amount of £50,000, besides a large amount of small arms and ammunition and four pieces of cannon. Nevertheless it was affirmed that "not one of those who stood in this noble cause, or showed themselves actors therein, had his house burned, though attempted in some cases." After the departure of the cavaliers, the surrounding country sent in a supply of provisions to the sufferers who were left behind, and relieved 2000 persons.

The above account is derived from the contemporary newspaper reports, and from Lord Clarendon's *History of the Rebellion*, but principally from a pamphlet published in the following year, entitled 'Marlborough's Miseries, or England turned Ireland by the Lord Digby and Daniel O'Neale; written by T. B., W. B., O. B., and J. H.; dedicated to all England, 1643,' 4to. A few further particulars may be added from the same source.

While the fighting was going on in the neighbourhood of Lord Seymour's house, one of his serving-men was sent out to inform the besiegers that Lady Seymour was within, and desired quarter; to which the royalists made no other reply than "Shoot him, shoot the rogue." Upon which he prudently retreated with all convenient speed, and clapped the door to; but they fired through it, and shot him in the thigh. This was regarded, by the opposite party, as a just retribution on the man, as he had been heard to exult in the prospect of "a fearful cloud which he foresaw was coming over the town;" and when the enemy were entering, he had exclaimed, "Now has the King commenced reaping his harvest." Another story is told of a tradesman, from whom one of the officers endeavoured to extract the sum of £400, but who declared that he had not £100 to give him; and pleaded for exemption from pillage, on the score of having a family of eighteen children to support.

The numbers which the royalists had lost, during the attack, was carefully concealed from the Marlborough people. In addition to several which they buried, before their departure, in the churchyards, they threw a considerable number into a deep well, about three furlongs off, and into several graves, which the townspeople afterwards had the curiosity to open, in order to satisfy themselves of the number; from all which premises it was computed that two hundred, at least, had fallen on the part of the King.

Neither Clarendon nor the authority quoted above make

any further mention of Sir Neville Poole's defence of Lord Seymour's House, during the period that the royalists remained at Marlborough. It is therefore to be presumed, either that he continued to hold out for several days, or that he made his escape, during the night-time, carrying with him his distinguished prisoners. Lord Seymour, himself, appears to have remained with the King, at Oxford, during the expedition. The royalists remained at Marlborough till the Thursday following. It was expected that they would have made it one of their garrisons; but, on the night of Thursday, the trumpets were suddenly heard to sound a retreat, and in a few minutes the townspeople were unexpectedly relieved of their presence. Succour was at last arriving, but it was now too late. Lord Essex, so it was stated, was not made sufficiently aware of the magnitude of the enemy's force sent towards Marlborough. When more exact information arrived, he despatched Colonels Brown, Middleton, and Hurry, to its assistance; who arriving on Thursday evening, and ascertaining that the major part of the enemy had got away with the plunder, and were as far as Wantage-Gap, on their way back to Oxford, made a demonstration on the party remaining at Marlborough, which induced them to quit in the precipitate manner above described, and follow in the rear of their companions. The movements of this relieving force will be exhibited in the following very characteristic letter sent to London, from one of Colonel Brown's soldiers, the day after, viz., on the 9th December, 1642.

“Loving Friend,

“It much troubles me to hear of that lameness which is upon you, which hath brought so much pain with it; the Lord in his due time, I hope, will deliver you from both, and in the meantime give you patience to submit. I received the sad news of it in your letter, on Wednesday, as we were upon our march from Oakingham to Newbury, where we quartered

Wednesday night; and from whence we intended to relieve Marlborough, which had stood out against the enemy valiantly for three or four days, slaying divers of them, with little loss on their side; nor yielding the town until it was fired in three or four places; which when the enemy had taken it, they plundered all the town, and took some threescore of the honest people prisoners, and, like the Irish rebels, most barbarously dealt with them. It might have been prevented, if the solicitations of Mr. White, Mr. Pitt's friend, for three or four days together, of my lord general and the council of war, could have prevailed to have sent us forward to their relief in time; but when it was too late, then we were sent. On Thursday we heard the town was taken, and that 3000 of the enemy were got to Wantage. The same day, about eleven or twelve, we marched towards the town, and drew up in a field before it, into the ancles in clay. About nine or ten, in the evening, we fell in upon them; but not knowing their strength or fortification, the greater part of them fled, and amongst them the Lord Digby. The night was so exceedingly dark, tempestuous, and wet, that we could not possibly get intelligence of their strength, till some twenty of our horse were sent in amongst them, who slew their sentinel, charged a whole troop, and safely returned with the loss of only one man. Then six or seven companies of dragoons were sent in, who, every step, went up nearly to the tops of their boots; and yet went on with such courage and cheerfulness, though exceedingly wet, weary, and dirty, as though they had been in the most delightful garden-walks. After them, some troops of horse; but, before this could be done, the most part of the enemy escaped away. We slew five or six men, took a captain and about thirty prisoners, whom we released, on coming back, to save being troubled with them. That night we returned back to Newbury; all the night being exceedingly wet and blustering, so that we had twenty-four hours march and service, such as those that have been twenty years in services abroad, never had

the like. Yet we are all well, blessed be God, only many of our horses fail us, and, by reason of it, some of our men are taken prisoners; the enemy lying, in most parts, round about us, and, with their scouts, take some of our men whose horses are tired. We are like to have a very hard service of it, if it continue out the winter, as I doubt it will. We have watched three or four nights together; but for victuals we have hitherto had enough, and never yet wanted any. I had almost forgot, we took the Lord Digby's coach and horses, and their carriages, arms, and powder; but were constrained to throw away the powder, and took the muskets; and one of them, that was slain, died with a fearful oath upon his mouth, swearing that he would see the parliament hanged before he would yield; and with that one of our dragoons shot him. Good store of pillage, that they had gotten from Marlborough, our men recovered."

The above letter is dated from Newbury; and is stated, by the journalist who published it, to be written "by a man of worth, not written by any pot-poet, but by an honest, true-hearted citizen, who serves more in conscience than in covetousness." Now, though this "true-hearted citizen," or at least his editor, sees fit to scorn the office of the "pot-poet," yet it curiously enough turns out that there was, after all, some such character in his troop, John Ward by name, who, describing himself as an eye-witness, travels over the same ground in the following heroics:—

"When Redding could no longer entertain
Our enemies, and they were forced again
To march away, lest meagre famine should
Their haughty spirits (pined with want) new mould;
Into three parts they did themselves divide;
One part in Redding staid, another hied
To Oxford, and to Marlborough the third,
At whose fierce presence all the country stirred.
Yet they with much ado entered the town,
Having first burnt some of their houses down.

"That trusty town they plundered in a rage,
'Cause they opposed them ; that ('tis thought) an age
Of years can hardly ever it repair,
To make it half so flourishing and fair.

"This heavy news soon to the General's ear
Was brought by some that did inhabit there,
Who being moved at the relation, sent
Well near four thousand horse incontinent
To encounter with the thieves ; and ere that we
Had marched two days, the spoiling enemy
We had espied one part of them, for they
Divided were, after they took the prey.

"To Wantwich [Wantage] this part went, when we had ta'en
(Had we made better haste) both horse and man ;
But being dark and wet and late i' th' night,
We could not close them in, nor could we fight ;
Besides we wanted good instructions [information] too,
And for the present knew not what to do.

"These lets gave the enemy a large occasion
To get without the reach of our invasion,
Ere we could reach the town ; yet some we took,
Poor ragged rogues, as ere eye on did look.

"A great deal of their plunder there they lost
And left behind, being in their journey crossed :
Our men got horses there, there store of cloth,
Some fine, some coarse, linen and woollen both ;
Thence sheets and shirts and pewter and such gear,
Our soldiers did upon their horsebacks bear."

The poet in similar strain then recounts the march to Andover, and thence to Winchester, with the storming of the latter place, and closes with an appeal to his brethren in arms to cast aside all petty causes of schism, and unite in the good cause. The poem is entitled "The Taking of Winchester," and was published 20th January, 1643. The writer was probably a native of Tewkesbury, for his dedication is made to the worshipful Thomas Clarke and Thomas Cart, bailiffs of that town.

Thus it appears that the poor Marlborough folk were left pretty much to their own resources. A relieving party which arrives in the dark, fires off a few shots in the dark, and then, laden with plunder, marches away in the dark, was not exactly the succour suited to their impoverished condition. At the best it was but scaring away the gorged vulture. The fault evidently lay at head-quarters. Seven months later, Lord Essex, by another exhibition of the same spirit of indifference, occasioned the rout of his party on Roundway Down, near Devizes. In anticipation of the storm that was coming upon them, the Marlborough townsmen had despatched a deputation to Bristol, to purchase cannon, but such was the deplorable state of the roads during winter in those days, that an extract from a private letter shows us that they were negotiating the affair in Bristol a fortnight after the town was taken. The letter in question was written by John Ball, of Bristol, to James Nicholls, a merchant in Fenchurch Street, London.

December 18 "This day [certain] Marlborough men bought of our men two pieces of ordnance, of some good weight, for the defence of that town. Yet such was the malignancy of the ill-affected members here [at Bristol], that divers came, and got porters and themselves together, and threw them down out of the cart; although the man that bought them had the mayor's warrant for carrying them out. But it is feared they will come too late, the news being here that part of Marlborough is burnt by the cavaliers, and that they are stript of all, and left most miserable people. The Lord avert them from ruining this place, and all others, if it be his will."

The writer was quite correct in supposing that the cannon would come too late. There is even an entry on the "Commons' journals," dated some three months later, and apparently referring to this affair, which seems to show that the agent, "Master Bailey," failed to obtain remuneration from his impoverished townsmen, and was compelled, in con-

sequence, to appeal to the parliament. The entry is to the effect that on the 7th March, 1643, a committee was named to examine (besides other matter) "The charges made by one Master Bailey, for two pieces of ordnance and ammunition supplied by him to the town of Marlborough."

It is not improbable that it was owing to Lord Grandison's influence with his brother officers, that no attack was made on Lord Seymour's house during the fight at Marlborough, as such a proceeding might have issued in the destruction of his friend's property, or the death of the Ladies Seymour. Soon after quitting the town, Grandison had the misfortune to lose his troop of 500 horse, who were pursued to Winchester by a larger body of parliamentarians, and there captured, a circumstance which was regarded at Oxford as a serious set-off against the taking of Marlborough. He ended his career at the siege of Bristol in the following year, where he was so severely wounded that he died shortly after, greatly regretted by the King.

We must now examine a few dates, in order to settle, if possible, a somewhat curious question. Upon the authority of a solitary pamphlet, we are called on to believe, that on or about the 12th of December, that is to say, only four days after the cavaliers had deserted the sacked and ruined town, not only did the place sustain a renewed siege, but a sanguinary conflict took place upon the common between Prince Rupert, who, at the head of 5000 troops, was assaulting the town, and Sergeant Major Skippon, who, with an equal force, had been despatched from Windsor to intercept the movement. The question is, are we to regard it as another and more decorated version of the action already detailed as performed by the relieving party on the 8th, under Colonel Brown; or is the internal evidence of its being the record of a distinct and subsequent transaction substantiated by statements from other quarters?

That an event of such magnitude should have hitherto

escaped the notice of the general historian ; nay, that the very newspapers so eloquent on the first siege, should appear to be silent on the second, might almost awaken the suspicion that the entire narrative was a forgery, invented to amuse the Londoners with false hopes, and keep the Parliament's friends in heart. One would almost doubt whether there were any thing left in Marlborough to defend, or, in the eyes of cavaliers, anything worth striking so hard a blow to obtain. Nor is it easy to imagine that the militia should have re-assembled in the town, and the defences been re-organized so immediately after the desolation of the place on the 5th. Moreover, a want of truthfulness in the narrative seems to be betrayed by the absence of any the most distant allusion to the first siege, and the refusal of the inhabitants to surrender, being prompted by a reference to the disasters, not of themselves, but of "their neighbours." Neither has the pamphlet any printed date as to time, though there is a date supplied in MS. by a contemporary hand. And, finally, there is evidence that only two or three days previously, Rupert was at a considerable distance, viz., at Worcester, with his 5000 men. Such are the facts against the authenticity of the book ; let us see what can be said in its favour.

The Tract describing the affair at Worcester, and which came out on the 13th, as "A great Victory won by the Parliament's Forces over Prince Rupert," states in its introductory remarks, that on the 9th December, which it will be remembered was after the cavaliers left Marlborough, a council of war was held at Oxford, when it was determined to divide the royal army into several brigades, and send them out into the neighbouring counties to levy contributions ;—that Lord Essex, suspecting their intentions, did on the 8th December, "in a wise and secret way, send 7000 horse and foot towards Marlborough and Buckinghamshire," five regiments to Reading, and the rest of the army to pursue the King's forces in other counties and places"—that Rupert nevertheless

stole at the head of 5000 men from Oxford to Worcester, where he unexpectedly encountered a body of Parliamentarians, who chased him from the gates, and thus gained the "great victory" aforesaid.

Now, all this perfectly tallies with the date of the second siege at Marlborough, if we suppose Rupert to have marched direct upon this place from Worcester, a circumstance by no means improbable, as he expected an easy triumph. His marauding spirit was ever at work. It was said of him that "whoever lay still, Rupert was abroad." An exact diary of his movements would of course decide the point, but where does such a journal exist? Warburton's Memoirs of Rupert and the Cavaliers does not aid us, though it is possible that the correspondence of the prince's secretary, Colonel Bennet, might. Lord Essex's sending troops from Windsor on the 8th may seem at first sight to point to the relieving party already noticed; but if the dates be correct, that party must have been sent on the 6th, for they were between Oakingham and Newbury on the 7th, on their way hither. From their hesitation to engage, we may further gather that they were a smaller body than Skippon's; and by their own confession, they performed nothing creditable. Then, as to the writer's apparent ignorance of all the events of the first siege: this is a circumstance which might almost tempt us to place his battle before, and not after, the siege, only that there is no parallel evidence of any troops entering Wiltshire from the period of the affair at Brentford, in the autumn of 1642, till the sack of Marlborough in the winter. But may we not accept as a fair solution of this difficulty, that, though Skippon's messenger knew all about the first siege, the scribe who dressed up the story for publication in London might not be so well informed? Persons who draw upon their imaginations to embellish a true story, will often undermine their own credit by some accidental slip. And here we seem to have an illustration of such a fatality. The narrative smells

less of gunpowder than it does of the lamp. It is the production of a practised penny-a-liner rather than the short energetic dispatch of the General, and is vitiated by a want of veracity, not so much perhaps in its facts, as in the writer himself. Taking the pamphlet therefore for what it purports to be, it supplies an interesting account of Philip Skippon's first transaction in arms for the parliament in this county. It exhibits him very much in the character of the soldier of fortune, so delightfully portrayed by Sir Walter Scott in the person of Dugald Dalgetty; carrying out the military lessons learnt in foreign war, under Gustavus Adolphus, the lion of the North: haranguing his troops with the air of a hero ready for victory or death (no doubt after an authorized form), and executing his coup-de-main by the Swedish stratagem of breaking the enemy by a dense body in the form of a wedge. Nor will the admirer of Dalgetty fail to recognize in the following account, much of that dry phraseology which heightens the humour of the Scottish cavalier. It was from the adventures of such soldiers as Skippon, who, having commenced their career in the Low Countries, were invited over to England when the war broke out, that Daniel de Foe derived his '*Memoirs of a Cavalier*,' of which hero, the Dugald Dalgetty of Scott is a Shaksperian adaptation.

That no incidental beauty in the narrative may be risked, and in order that the reader may be in full possession of the means of estimating its internal worth, it will be proper to present the entire pamphlet in its own phraseology (merely modernizing a few cases of spelling).

'A TRUE RELATION of the approach of Prince Rupert to that good town of Marlborough, and how he was resisted by the Townsmen, with the aid of the faithful Militia of Wiltshire, till Sergeant Major Skippon arrived there with some of his Excellency, the Earl of Essex's, forces, with which he gave the said Prince Rupert battle, and obtained of him and his

Cavaliers a glorious victory. With a speech made by the said Sergeant Major Skippon to his soldiers, before the said battle, truly certified in a letter from thence to a Citizen of good credit in London, and so published. London: printed for John Matthews.'

"PRINCE RUPERT, after his departure from Oxford with his cavaliers, being accompanied with some five thousand horse and foot, drew towards Wiltshire, which county, having been very faithful to the parliament's commands and just proceedings, was therefore more odious to him and his malignants, who according to their accustomed practice, plundering and spoiling all the country in their passage, arrived at last before the good town of Marlborough, one of the most signal places of the whole county of Wiltshire. The townsmen hearing of their approach, were neither improvident nor unmindful of their safety; but before the storm came were well provided to impugne their entrance; having, besides the trained soldiers of their own town, drawn in to their aid at least 400 able soldiers of the adjacent territory, of which there was one troop of horse: and so, casting up, as well as the time would permit, some few horn-works towards the enemy, who was within a day's march, and encouraging one another to defend their lives and liberties, in good posture of war they stood expecting the approach of the enemy; and, according to their expectation, had him the next morning by nine of the clock, within musket shot of the town; the cavaliers having scarce the patience (making themselves sure of the victory) to forbear giving an onslaught on the works, till Prince Rupert sent a message to the town to this effect, viz.: That they should, without delay, lay down their arms, and yield the town to his dispose for the use of his majesty, and so receive fair and peaceful usage; otherwise he threatened them with all the imminent ruins of approaching destruction. The townsmen to this brief message made as brief a reply: That, for his



Majesty, they did in all duty acknowledge themselves his loyal and obedient subjects, and so would live and die; but, for surrendering the town to Prince Rupert, they could neither in honesty do it, being pre-engaged to secure it for the use of the King and parliament; nor with safety, by their neighbours' harms being sufficiently taught to beware of the merciless disposition of his cavaliers; and so dismissing the messenger, they instantly saluted the vaunt-courriers of the Prince's forces with a cheerful and deadly volley of musket shot, which lighting among the thickest of his horse squadrons, sent divers of them with their riders to the earth. The Prince, galled with this unexpected resistance and sudden charge, rode up himself to the very ditches of the works, discharging his petronels among our men. His cavaliers also, following their leader with like desperate resolution, gave fire into our works; but thanks be to God, without any great loss of our part. The Marlborough men shooting their muskets with good aim and dexterous courage, doing all they could possible to impeach the cavaliers' intrenching, and planting their ordnance, of which they had some pieces, knowing that if they could resist them that day and the ensuing night, the next day they should have rescue; being certainly informed that his Excellency the Earl of Essex (careful of the safeguard of those provinces) had consigned that way, with sufficient forces, that valiant and prudent soldier, Sergeant Major Skippon. The Prince, suspectless, or at least careless of that, drew his foot into the medley, who endeavoured, by the example of the cavaliers (who for that purpose had quitted their horses), to get through the ditches and scale the works, which they attempted with all the fury of desperate ruffians, but were still beaten down and repulsed with loss by the Marlborough militia; and though the dead bodies of their men almost had filled the ditch on that side, they strove to mount upon the carcases of their companions to the vertice of their works. But they still hastened to their

own destruction, falling in such numbers that Prince Rupert's courage being convinced by his judgment, and the night approaching, he commanded the retreat to be sounded, meaning to take the benefit of the night to entrench his forces and mount his cannon ; his pioneers, most part of the said night, like moles casting up their trenches in the darkness : those in the works keeping very careful watch for fear of surprise, knowing well that their solicitous enemy would omit no opportunity that might be advantageous to their ruins. The Prince's men in the mean time having brought their works to an indifferent forward plight, having raised a bulwark, on which they had mounted four pieces of their cannon. And so the night was over-passed, with much care and devotion on our mens' part, and with much drunkenness and riot on theirs, who were carousing full bowls to their imaginary and hoped-for victory. But it is ill sharing the lion's spoils before the beast be dead. Another account they were to make, more work they had to do, more enemies to encounter, ere they departed. For Sergeant Major General Skippon, with at least 5000 able soldiers, two regiments of which were dragoons, by his Excellency's appointment coasting those countries, had pursued Prince Rupert within a day's march ; and having certain intelligence that he was set down before Marlborough, hasted thither with all speed and silence, marching all the night. Some half-hour before daylight he recovered the heath or plain near Marlborough where the enemy was quartered, and seizing on divers of the Prince's horse-sentinels, some of the rest escaping, gave a sudden alarm to their quarters, informing certainly that the enemy was at hand ; but who they were, or what number, they could not distinguish, by reason of the darkness. Prince Rupert, nothing amazed at this unlooked for tidings, instantly drew forth his men into battalia on the plain, traversing those pieces of ordnance which [in order to form his batteries] he had unmounted, into the front of his battle : and leaving a sufficient guard in the trenches to secure his other

ordnance and busy the townsmen, lest they should sally out during the fight. By this time it was clear day, when both the armies were in view one of another, both alike extended in wings, only theirs carried the greater length, because they were most horsemen and ours most foot. And so expecting when the cards should be dealt about in this fatal game of death, Sergeant Major Skippon, riding up to the head of his troops, delivered words to this effect:—

“Gentlemen, countrymen, my good friends and fellow-soldiers,—this is the first time I have ever had the honour to lead you on to any danger, and I wish it may be the last if Heaven be not pleased to permit me to bring you off, with as much honour and safety as I lead you on with innocence and courage. We are, gentlemen, engaged, the more the pity, not against any foreign enemy, but against domestic and intestine foes; who, how much nearer the relation is which naturally and nationally they have to us, that being broken, so much more deadly and desperate will be the enmity towards us; but for that, our own valours will be our securities, and the justice of our cause; we being to fight for our lives, our friends and liberties, against a race of vipers, that would eat the passage to their ambitions through the entrails of their mother, the Commonwealth. ’Tis for our King, our lives, and the parliament, we fight, gentlemen, and it were a dishonour to your valours to bid you be valiant. I know you are so; let us on, therefore, in Heaven’s name, and either live conquerors for our country, or die its martyrs.’

“And so commanding his cannon, which was in the front, to be discharged, the Prince answering him in the same dialect of death, strove to break in upon the right wing of our forces; Serjeant Major Skippon invading his left. In this age, among so few men, hath not been seen a more well managed battle, neither side giving one jot of ground, but plying their business heartily with their carabines, petronels, and muskets; our dragoons doing most special service, who fighting, as it were,

in rings, were not to be pierced by the Prince's troops, though they endeavoured it with all their fury and violence. For an hour, at least, in equal scale remained the conflict, only our dragoons killing at more distance and with surer destruction. There fell two to one of their soldiers; and that brave and experienced commander, Skippon, fighting, as it were in a diamond battle (according to the Swedish discipline), his men giving fire all at one instant on their left wing, they were no longer able to keep rank, but fell into apparent rout, retreating as fast as they could to their trenches; where the men, whom the prince had left, were all this while in hot service with the townsmen, who at last, by fine force, beat them out of their works, and just then had gained the bulwark where their four pieces of cannon were mounted, which now they turned upon themselves, killing the new-come runaways of the discomfited left wing by heaps, so that they found less safety in their flight than in fight, and therefore made back as fast as was possible, with the rest of their companions, to the main of the battle, which, with the right wing, was yet unbroken. Nay, Prince Rupert did so valiantly demean himself, and so desperate were the charges of his cavaliers, that had not Colonel Hurry, who commanded in our right wing, been an excellent soldier, he had run the imminent hazard of an utter defeat; but, repelling blows with blows, and playing incessantly with his muskets and dragoons, he kept them out from breaking his ranks, till Serjeant Major General Skippon, with his victorious left wing, broke into the Prince's flank, himself, with his battle-axe, beating down many a cavalier to the ground. And now the Prince began to curse his destiny, and to think of flight, when the townsmen coming upon the backs of the malignants, and thundering death amongst them, all was in confusion; to proceed or to retreat was alike dangerous; so that then the Prince and his cavaliers, rallying themselves together, to the number of 8000 horse, broke a way through the end of our right wing, and fled whither their fears carried them; all their

foot, to the number of 1500, being cut off, and 500, or very near, of their horse. Serjeant Major Skippon would not suffer his men to pursue them, being far unequal to their number in cavalry. There were recovered all the enemy's ordnance and carriages, with their baggage; the malignants hastening, as it is supposed, away towards Gloucester, and so to Shrewsbury. Of Serjeant Major General Skippon's forces there fell not much above a hundred and threescore; and of the townsmen, and their assistants, eighty persons. So great a victory, with so little loss, was Heaven pleased to confer on our party; for which, after due thanks given to the Giver of all conquests, in the field where the battle was fought, our force drew to Marlborough, where, as the preservers of their lives and fortunes, they were joyfully received by the inhabitants; their Commander general, valiant Skippon, intending from thence to pursue the cavaliers, and comply with the trust reposed in him by his Excellency and the High Court of Parliament."

It is now time that we return to the unfortunate captives taken at Marlborough, who, torn from their families and casting a last lingering look on the smoking ruins of their once happy homes, were now being driven along to prison. Before quitting Marlborough 120 of them had been compelled to pass the night in a single stable, where lay a dead horse, and the stench became almost intolerable. The next day they commenced their march towards Oxford without having tasted any breakfast, and might have sunk from exhaustion had not a gentleman at Lambourn relieved them as they passed through that village; while some of them, who stooped down to take up pieces of ice to quench their thirst, were struck over their faces by their drivers. John Franklyn, the member, they took to a tree before they left Marlborough, and threatened to hang him if he would not reveal where his money lay.

Who was the "gentleman at Lambourn" who thus ven-

tured to testify his sympathy with the oppressed prisoners? It appears that John Hippisley, Esq., of Stonehouse, born about the year 1600, married Eliza, daughter and heiress of John Organ, Esq., of Lambourn. Whether or not his political opinions warrant his identification with the benevolent person in question, we cannot say ; but it is certain that his nephew, Sir John Hippisley, ranger of Bushy Park, sided with the parliament when the war broke out, and was afterwards one of the commissioners for treating with the King. From Richard, second son of John Hippisley aforesaid, was descended the late Rev. Henry Hippisley, of Lambourn Place and Sparsholt House, both in Berks.

On arriving at Oxford they were all committed to the charge of the provost-marshal of the castle, by name Smyth, a man of relentless ferocity, who appears to have been quite uncontrolled in the management of his prisoners, and who subjected them to a long course of indignities and sufferings, the minute description of which it would be unnecessary to recapitulate. Suffice it to say, that scanty fare, confined rooms, and abominable filth, soon reduced them to a condition which we are accustomed to regard as peculiar only to a slave-ship. Under misery so intense and prolonged many of them at last sunk, and one of the victims was their heroic member, John Franklyn, who, though he fared better than some of his companions, died in July of the following year, a circumstance to which we shall again have to recur in the order of events. One day Sir James Pennyman wanting some seamen, Smyth brought a number of them down into a yard, to be inspected. On their way thither they passed by a room where several officers had washed their hands in the same basin, the contents of which the prisoners were glad to swallow. None of them could be induced to enlist under Sir James Pennyman. On another occasion Smyth brought them down in irons, at least as many of them as could walk, into the same yard, to undergo a lecture from Dr. Reeves, the



King's advocate, who strenuously urged them to subscribe the 'Wiltshire Protestation.' Some of them venturing in reply to refer to their rights as citizens and to the claims of conscience, the provost exclaimed, "Hark ye! hark ye! they are a preaching!" and when they complained of want of food and all necessaries, Dr. Reeves put on his spectacles, and looking at them, observed, with a most humorous assumption of gravity, "Why, ye are all as fat as conies."

The compiler of the account of the siege gives the following account of the march to Oxford. "One thing I have omitted concerning their taking prisoners: that is, they carried into Oxford 190 or full 200 prisoners, to make their number great, as they thought: but as I said before, they carried scarce 120 out of Marlborough; and of them, not making matter whom they took. So as they pass through the country they take up men, they care not whom, to make up this number . . . some from the plough in the fields, some from their doors, as they came to look upon them as they passed. Some they pull out of their house, in the village where they dwelt, pretending they were Roundheads, or else had borne arms in Marlborough, or had done something or other for which they must go away prisoners. And in all the villages taking away horses, or goods, or whatsoever liked them; and wheresoever they quartered, not paying one penny for horse's meat or man's meat which they spent, setting their horses into men's barns of corn, and making litter of some, and their horses eating the rest."

Their gaol allowance was stated to be one penny farthing a day, that is to say, one pennyworth of bread and a farthing can of beer; but Franklyn, the two Scots commanders, and Master Brown, were used somewhat better. Such as bought themselves out of captivity had to pay fines, in some cases, amounting to £20, and to take an oath (the same, no doubt, as that alluded to above under the title of the 'Wiltshire Protestation'); and they all proclaimed by their wretched

aspect the sufferings they had undergone. John Bayly, of Marlborough, paid £200 as the fine for his son's liberation, but as the son persisted in abjuring the 'Wiltshire Protestation,' he was detained. The 180 taken at Marlborough were all confined in the Tower, which was so small that they had to lie one on another.

The Commons' Journal, 17th January, 1643, has the following entry: "Sir Neville Poole informed the House of the cruel usage of the poor prisoners taken at Marlborough; and Sir Neville was ordered to send up two or three of the said men to attest the fact." These two or three must have been some that had escaped from Oxford. About this same time was published a pamphlet, entitled 'The Prisoners' Report,' drawn up by a minister, one of their number who had escaped. In fact, the Dublin library contains no less than four distinct publications on this subject. The charge of cruelty was in all of them principally made against the provost-marshal. The King himself does not appear to be implicated. This reference to Charles's own conduct, is made for the purpose of adding a few remarks on a point in his character concerning which very opposite statements have been put forth.

It is affirmed by Lilly the astrologer, in his pamphlet, 'Monarchy or no Monarchy,' that "when the parliament had lost some of their men in the West, at Marlborough and the Devizes, and they were brought in a miserable condition, without hose or shoes, or scarcely clothes, into Oxford, as a triumph, he was content to be a spectator of their calamities, but gave neither order for their relief nor commands of ease of their sufferings; nay, it was noted by some there present, that he rejoiced in their sad afflictions."

Whitelock the memorialist has a similar passage, to the effect namely, that when the prisoners taken by Prince Rupert, at Cirencester, were driven to Oxford, tied together with thongs and almost naked, the King and his lords looked on them as they rode through the streets to the donjon, and

many smiled at their misery. A description is added of one young man among them who was set naked on the back of a horse, his wounds gaping, and his body streaked and stained with gore; yet he sat up with an undaunted courage and countenance: and when near the King, who did not express any compassion for him, a brawling woman seized the occasion to cry out, "Ah, you traitorly rogue, you are well enough served;" he with a scornful look replied, "You base ——" and instantly fell dead at the feet of Majesty.

Finally, we have the testimony (not a very worthy one certainly) of Humphrey Browne, who, when the King was brought to his trial, charged him with acts of cruelty similar to those stated above.

It will sufficiently adjust the balance of evidence if to the testimony of these prejudiced contemporaries, be added the opinion of the late Lord Nugent, who, himself descended from John Hampden, has written in defence of the patriot's views. He observes, "The accusation of hardness of heart urged" [against King Charles] "by Lilly and Whitelocke, is a charge single of its kind, and hinging upon minute and doubtful interpretations of his comportment on an occasion where, obviously, it was most liable to misrepresentation. There appears to be no other instance to countenance the notion that wanton cruelty ever stained a character, strongly marked as his was by warm and tender feelings in private life With a spirit strongly imbued with something chivalrous and heroic, he appears to have possessed every requisite of a perfect gentleman, except the most important,—truth and good faith. And he failed in these, because he had persuaded himself that they are not among the public duties of a Sovereign whose prerogative is in dispute." (*Memorials of John Hampden*, vol. i, p. 79.)

On the 2d of February the town of Cirencester was taken by assault, and subjected to the same outrages which had desolated Marlborough. One writer goes so far as to say,

"I am confident they (it seems being grown more skilful in mischief) not only acted over, but out-did their former cruelties and spoil of Brentford and Marlborough. They spared not to plunder their best friends; for I can assure you some of the notorious malignants were the most notably plundered of all the town." (*Relation of the taking of Ciceter*, printed at London, 1642.)

4th February. In the Commons' Journals it is "Ordered, that the Earl of Pembroke shall have an order of protection of his chace of Albourn, in Wilts, from destruction, or any spoil or waste, by the tumultuous and riotous assembling together of multitudes."

The Parliament's cause wore but a drooping aspect in Wiltshire on the opening of the new year. Bristol shewed signs of revolt, and was considered so much in danger that Colonel Nathaniel Fiennes (son to the Lord Say), who held a command at Devizes, was despatched thither to strengthen the garrison, and Sir Edward Hungerford found it necessary to bestir himself to recruit the Wiltshire forces with all speed. With this view, he invited Edmund Ludlow, Esq., of Hill Deverill, near Warminster, to come into the county, and raise a troop of horse in his (Hungerford's) regiment. Ludlow, whose name afterwards became so conspicuous as a regicide, was at this moment, with Lord Essex at Windsor, under whom he had served at Edgehill and Brentford. Having obtained permission, he met Sir Edward Hungerford at Devizes, and from thence rode to Salisbury, where they seized a quantity of horses and arms from some of the opposite party, and by these means equipped a portion of his men. The royalist papers assert that Sir Edward's main purpose in going to Salisbury was to secure the person of Sir George Vaughan, the high sheriff of the county, but that failing in that, he subjected the inhabitants to many acts of spoliation, and compelled the city to ransom itself with a sum of £500, "with which he got back to Devizes as his surest fortress."

Ludlow meanwhile returned to head-quarters to report progress." (*Mercurius Aulicus*, 14th Feb., and *Commons Journal*.)

Sir Edward Hungerford's position at Devizes soon became highly embarrassing, arising either from his own half-heartedness, or from a leaning which the inhabitants of that town began to manifest towards the royal cause. He wrote to the House to say that the works which Sir Edward Baynton had erected round Devizes were "so large and so great," that unless more men were placed at his command, he could not undertake to defend the place, should the cavaliers come, adding that it was nothing but the smallness of his forces which had prevented his rendering adequate relief at the late affair at Cirencester. (*Mercurius Aulicus*, 14th Feb., and other papers.) This letter did not give much satisfaction to the House, and several members took occasion to censure his conduct of affairs. He soon quitted Devizes, and the *Perfect Diurnal* 25th February, tells us the result. "The cavaliers have left Gloucester and gone into Wilts, making the like cruel usage they did in Gloucestershire; and it is said they have possessed themselves of the Devizes, and that Malmesbury is yielded to them; but the certain truth is not yet confirmed by any letter to the House, it being much to be wondered at that the Devizes should be so easily won, so well provided as it is with the Parliament's forces under Sir Edward Hungerford and Colonel Fiennes. But it is rather conceived that the chief aim of the cavaliers is at Salisbury, whither they have been oftentimes invited by the cathedral malignants."

On the first of March Sir Edward once more made his appearance at Devizes, where the militia were daily becoming more and more disorganized. He then summoned the townspeople, and the country around, to a rendezvous, and inquired of them whether or not they were willing to enter into a 'Declaration' to adhere to the parliament. They replied that they were afraid of the Gloucestershire cavaliers, and would have nothing to do with the said Declaration. "Then must

"I shift for my own safety," said Sir Edward; and he accordingly left the town in disgust, and repairing to his favourite resort, the city of Bath, proceeded to strengthen its fortifications.

Thus we see the tragedies of Marlborough and Cirencester were beginning to tell upon the provinces. The people of Devizes gave their money to the cavaliers, but they saved their town from pillage and fire. Immediately, upon Hungerford's desertion, Colonel Lunsford issued out of Malmesbury, and, without a blow, took possession of the town and castle of Devizes, in the name of the King. From this place alone he then raised £400, besides putting the whole of North Wilts under contribution; and the newspapers, in the King's interest, exultingly anticipated that since Devizes was won over, the entire county would soon be cleared out of rebels.

A proposition for a cessation of arms, which had been in agitation during the early months of this year, was now more strenuously urged by those few who really wished for a peace. It was proposed, *inter alia*, that the King's forces in Gloucestershire should confine themselves to Cirencester and Malmesbury, and another condition was that the Wiltshire forces should remain in quarters in Chippenham and Devizes; "but," adds the *Kingdom's Weekly Intelligencer*, "upon notice of the resolution at Windsor, the King's forces are gone to the Devizes." The fact was, it was no more a resolution at Windsor than a resolution at Oxford which stood in the way of peace. Both parties felt too confident in their strength to wish sincerely for a cessation of arms, and active measures went on just the same as ever. It happened, as might naturally be expected, that in several instances, men, who had engaged in the struggle without any great devotion to the principles in jeopardy, soon became disgusted with the cause, and were willing to make any concessions in order to regain their beloved security. It was, indeed, a time to try the true patriot. The Londoners were comparatively secure; but those who lived in the country, exposed to the alternate visitations

of friends and foes, were soon made to drink the cup of affliction to its very dregs. "Poor Marlborough," exclaims one journalist, writing in the following year, "which hast been so unhappy, to be so often possessed by such devouring beasts, how sad is thy condition, and how miserable the estate of many of thy neighbours: and oh, happy London! which hast not yet felt the piercing of the enemy's sword; how thankful should all thy inhabitants be to the Almighty, who hath so long guarded thee; and how ready should they be to commiserate the calamitous condition of other parts." (*True Informer*, 21 Dec. 1644.)

It need not, therefore, excite our surprize that some persons should have sought, at an early stage of the civil war, to avert the loss of their all by a timely submission. An example of this kind was furnished by a number of the citizens of Cirencester, though, unfortunately in their case, the restoration to the royal favour could do them, comparatively, but little good, for their good town was already sacked, and themselves probably prisoners. Their humble petition, acknowledging that it was their own errors which had "exposed them to the heavy effects of his Majesty's justly incensed army," may be seen at large in the history of that town, recently published by Mr. Thomas Philip Bailly. It would be foreign to our purpose to travel any farther beyond the limits of North Wilts, and show to what extent the same example was adopted by other individuals of higher rank and better information. It must suffice to observe, that there is no record of any large class of the inhabitants of Marlborough, even though lying in fetters, consenting to occupy the same thankless position. During the seventeenth century, at least, if at no other period of their history, they played the part of men.

About this time a tract was published at Oxford, entitled 'A LETTER from a Country Gentleman to a Member of the House of Commons, concerning the taking of Marlborough, printed at Oxford, by Leonard Lichfield, printer to the Uni-

versity, 1642-8;' the evident object of which was, by seeking to make it appear that this abandonment of the parliament's cause was becoming general throughout the country, to weaken the hands of their friends, and induce them to consent to ignominious terms of peace. The letter-writer personates one, who, having hitherto taken a most prominent part against the King's measures, is suddenly half-converted to loyalty, and endeavours to win over his friend and quondam associate to a similar course of action. He does not profess to belong to Marlborough, of which place he speaks by hearsay; but an incident with which the letter opens, seems intended rather to point to such a position as Devizes, and the alternate occupation of that place (related above), first by Hungerford's militia, and immediately after by Lunsford's troopers; though it is of small importance to attempt to identify the scenes of what is in part or wholly a forgery. Up to this point it all reads plausibly enough; but, throughout the rest of the performance, the veil of disguise is extremely transparent. The arguments are all those of a confirmed royalist, and can never for a moment be mistaken by any one at all conversant with the literature of the period for the course of reasoning adopted by a parliamentarian, who was simply seeking to bring about a peace, who, in short, had been a sort of champion of Hampden's views till after hostilities had broken out. Such an one, we may readily conceive, might be sincerely desirous of bringing about an accommodation with the King, without instituting a regular defence of his conduct, as this writer does, and patronising the Star Chamber and ship-money.

Having said thus much, in order to show that the letter is not what it professes to be, it next becomes a question whether or not it can be traced to its real author. Now it so happens that there was then residing at Oxford, in the capacity of private secretary to the King, a writer, whose skill in literary forgeries has long been acknowledged. This was Edward Hyde, afterwards Lord Clarendon. Long before he wrote his

General History of the War, which contains many illustrations of his art, as for instance in the imaginary debate on the 'Self-Denying Ordinance,' he was in the habit of constructing fictitious speeches of the members, and publishing them by the King's orders; and, as his biographer informs us, "he [Clarendon] was often wont to say, many years after, that he would be very glad if he could make a collection of all those papers, which he could never do, though he got many of them." (*Clarendon's Life*, page 59.)

'The Letter about the taking of Marlborough' looks extremely like one of these performances, as will appear to any one who is conversant with Clarendon's style, remarkable as that style is for its numerous involved parentheses, and spun-out periods. The story, too, of the spy brought before Lord Wilmot, on the march to Marlborough, and the mode of taking the town, correspond with the accounts given in his large history, and found nowhere else. Lastly, it is to be observed, the work was printed at Oxford, that is to say, in the enemy's camp. But the reader must now judge for himself.

'A LETTER from a Country Gentleman to a Member of the House of Commons, concerning the taking of Marlborough.' Printed at Oxford, by Leonard Lichfield, printer to the University. 1643.'

"SIR,—I have received your passionate letter, and must confess myself extremely moved by it, but not altogether your way. There is not an expression in the first part, to which my heart consents not. It is indeed a sad and miserable condition we are fallen into, to be weltering one in another's blood, before we know why we are angry; and to see our houses and towns fired, and our neighbours and friends taken prisoners by men who do not only speak the same language with us, but are of our own families and of the same (or seem to be of the same) religion; so that, as you say, you may well

wonder how men, who take such different ways, can pretend they desire the same ends.

"I have thus far kept you company very willingly, with the same grief and amazement; but when you seem to lay this fault wholly upon the King and his followers, whom you accuse of great rapine, cruelty, and inhumanity, you must give me leave to dissent from you, upon such reasons as (if I have not forfeited the esteem I have had with you) will make some impression in you.

"You know how far I have always concurred with you; and, swayed by the singular regard I have had of your wisdom and integrity, given up much of my understanding to your authority; and upon that score, you know, have done somewhat my own judgment would not now warrant, very much to the service of the parliament, from whom I received public thanks; and therefore I had reason to expect more protection, at least less damage, from any forces maintained and employed by them, than from the King's army, with whom I could not but know myself to be in a just prejudice. And when you know now that I have been visited by the soldiers of both armies, you will believe me a competent reporter of their behaviours.

"It was my turn first to receive *your* troopers, three hundred of them being quartered at this town, no fewer than thirty disposed themselves to my house. I received them as friends, and you know I am not usually very ill provided for the entertainment of as good a company. Many of them were commanders, and undertook to tell me my affection was very eminent to the persons who employed them, so that I confess I looked for no other pressures from them than the charge of that night's receiving them.

"And 'tis true they left me the next morning, but so unhandsomely, that besides the insolency of finding fault and commanding all my servants, having used myself and my children with great pride and incivility, they spoiled more of

my goods of all sorts than they had spent, though they must confess they wanted nothing but the honesty to deserve it; and pilfered and stole many things of value, telling me to my face that it was necessary to make that waste, that the cavaliers might be disappointed; and indeed, the night following, the cavaliers came, double the number, to my house, than had been there before, commanded only by the cornet of the troop, whereas of the other there were not fewer than ten officers, whereof four were captains. You will imagine, the trim usage I had from those who told me they came to defend me, had not left me courage to stand the shock of another entertainment of those who could not but hear somewhat of me which might expose me to their fury, at least would justify any excess towards me. I gave directions they should be as well treated as my store would bear, though, in truth, the vile licence of the forerunners had not left me ordinary provision for horse or foot; and withdrew myself to that honest parson's house, who disputed with you when you were last here, and was by him privately sheltered (though many soldiers were then with him too) from discovery.

"The company removed the next morning, and they were not gone two hours from my house before I returned thither, where I assure you I found all things as orderly, as unspoiled, as if my best friends had been my guests; and one of my servants told me that he had rather meet with one hundred cavaliers than ten roundheads. 'Tis true they had as good provision for themselves and their horses as could be made, which they received with so much civility to all my servants as if they thought themselves beholden to them for it, though it was much worse than had been given the day before; and departed without the least disorder.

"For the business of Marlborough, which you say was carried with so much fierceness and barbarity in firing and plundering the town, I believe you have not that relation so perfectly and ingenuously made to you as in truth the matter will bear.

You must think my information is not partial on the King's part, when I receive it from one who fled to a friend's house of mine for shelter, and lost at least the value of £300 by the King's soldiers in that town.

"You know well how that town hath behaved itself all this year, in raising great sums of money against the King (for that the army which hath given him battle is not against him, can no longer be understood),¹ in gathering and exercising soldiers, as if they defied any enemy; how they seized upon his majesty's provisions, bought and paid for by his commissary of the victuals for the supply of Reading, and would not suffer them to be carried thither. The King could not but think of reducing this place, and to that purpose sent the lieutenant-general of his horse, a gentleman, whatever vote you please to pass upon him, of great reputation in the countries through which he passes, for his sober government of his charge, with instructions most suitable to his nature, that if his reception into that town was such as became them to give, he should suffer no violence to be exercised by the soldiers, but should bring away the arms which had been so ill used, and some seditious persons who had infected that place and put his majesty to that trouble; with some other directions that sufficiently expressed a care of that people and a willingness to believe them in the number of his subjects.

"When this piece of the army, the reputation of which might well have dispersed that rabble, by slow marches had brought itself within a little distance of the town, a fellow sent by the foolish knave Franklyn, who they say hath brought all this calamity upon a place he hath been long in spoiling, came to them with a ridiculous letter of advice, to a person of

¹ The writer is here alluding to the equivocal language adopted by the parliament in their manifestoes, in which, during the early part of the war, their hostile acts were always stated to be "in defence of the King

and the parliament," the idea being that they fought only against his evil advisers. Cromwell rejected this sophistry when he declared he would as soon fire his pistol at the King as at any of his followers.

honour amongst them. The messenger, who might have expected worse usage, was brought before the lieutenant-general, who caused all the men to be ranged before him, then asked him whether he thought the strength of that town could resist that force. The fellow answered, it could not resist a quarter of that power. 'Get your ways, then,' said that gentleman, 'to your friends, and tell them what you have seen. If they throw down their arms and submit themselves to his majesty, they shall be used like friends and receive no prejudice by the soldiers; but if they make resistance and force us to enter the town in blood, it will not be in my power to preserve them.' The man returned, did his errand in the presence of him who gives me this account, and who immediately fled when he found the perverseness of that Franklyn would neither submit to the advice nor suffer it to be communicated to the rest of the town. When the army advanced, all possible resistance was made, and many soldiers of the King's dangerously wounded out at windows and from their works, insomuch as they were compelled to burn some houses in which musketeers were placed.

"Think sadly [*seriously*] with yourselves how *your* army, which committed such outrages and plunderings in the poor city of Winchester, where the gates were opened to them and no show of resistance made by the people of that place, would have requited such opposition. Nay, was it ever known that after such contention, less than a slaughter of the enemy and a sacking of the town followed? Yet, as there was nothing of the first here, so there was so little of the other (and yet more, I believe, than the commanders could have wished), that they have only cause to curse those who drew such visitants to them.

"But no more of these particulars. Let us rather raise a compassion one towards another out of the consideration of these miseries, and to what height they will in a short time be improved, than contract a bitterness and hatred against

those with whom we must live happily, if there be any hopes of happiness left for this poor kingdom.

"You will think this a strange dialect for me to use, whom you have known to concur with the fiercest men in the fiercest resolutions; but if you were out of the House of Commons—where all arguments tending one way beget a general consent in opinion, and so whatever is thought easy is concluded lawful—and spent one month with me in the country (though you know it is a place was never fondly devoted to the King's command), you would observe a strange dejection in the spirits of the people, and, if I am not cozened, an inquisitiveness by questions they did not use to ask,—Who raised arms first?—Why they did it?—What the Commonwealth wanted?—Whether the King hath denied anything it is not in his power to deny?" &c. &c.

In this strain the writer drives his weary argument through several mortal quarto pages, concluding with a recommendation to make an immediate compromise with the King; but the reader has doubtless had enough of it.

In pursuing the course of events so far as Marlborough is concerned, there is little to notice during the next two or three months. The inhabitants soon found it impracticable to maintain a system of defiance of the royal authority, and no subsequent attempt therefore seems to have been made to prevent the entrance of his forces. The trade of the place in consequence continued to fall off considerably, for market-days were generally the occasions selected by the cavaliers for their expeditions to the town. On one of these they carried off some waggon-loads of cheese.

7th March, 1643. "A petition was read in the House of Commons, 'from the poor Marlborough and Ciciter prisoners,' confined at Oxford. A committee was named to sit on that subject and also on the charges made by one Master Bayly for two pieces of ordnance and ammunition supplied by him to the town of Marlborough." This entry has already been

referred to. Two or three days after, about forty of these prisoners had the good fortune to make their escape by excavating a hole through their prison wall. This led them out into a baker's yard, and though it was broad daylight, they contrived to pass unobserved along several streets and through the fortifications of the city, swimming the river Isis, and thus escaping to London, where they related their sufferings. The parliament thereupon sent a despatch to Lord Essex, at Windsor, desiring him to enter into some negotiation with the King for the relief of those remaining in captivity, or else to intimate that measures of retaliation would promptly be taken.

The following incident, occurring in the neighbourhood of this town, is extracted from the report of a correspondent of one of the London newspapers, dated 20th March:—

“Within two miles of Malmesbury lie billeted of the Welsh three hundred, which were to give notice to [*the royalists in*] Malmesbury of Sir William Waller's coming; but whatever was the matter, they suddenly took to their heels, some running one way, some another, many without either boots or shoes, or stockings, or even clothes, and left their 300 horse behind them, besides much of their ragged clothes; all of which was done but last night. And I was present myself where I saw twelve cavaliers come to a place called Pewsey, about five miles from Malmesbury, on Saturday last, where they took a whole load of white cloth, six oxen, and three horses, and brought them to a village three miles from Marlborough. Then they went to stealing of horses, but the country people manfully opposed them with their club-law. On Monday those twelve cavaliers took also eight oxen from two men that were driving them towards London. They were hastening with them to Malmesbury, when they of Marlborough, hearing of their baseness, about a hundred men and women ran to a place called Ogbourn, two miles from the town, and overtook the cavaliers, and having one musket

among their forks and halberds, they discharged that at them. So the cavaliers fled and left the wain-loads of cloth and the eight fat oxen to the inhabitants of Marlborough, who conveyed them to the owners. Cloth and oxen were valued at a thousand pounds." The 300 Welshmen were no doubt a portion of an army of 2000 raw levies raised by Lord Herbert, son of the Marquis of Worcester. Let us now for a moment trace the career of another commander, in order better to understand the nature of the above transaction.

During this spring, Sir William Waller was signalizing himself in the parliament's cause in various parts of Hants and Wilts. In the short space of little more than three months he made himself master of Winchester and Chichester, levied contributions in Salisbury, retook the town of Malmesbury from the royalists, then crossing the Severn at night, captured under the walls of Gloucester, the entire army of Lord Herbert above referred to; and advancing upon Hereford and Tewkesbury, surprized and took both their garrisons;—a train of successes so rapid and brilliant that he at once became the darling of the Londoners, and acquired the title of "William the Conqueror."

A body of royalists meanwhile, under Lord Hertford, Lord Lee, of Marlborough, and others, swept the south of Wiltshire, and formed a junction with Sir Ralph Hopton and Sir Bevil Grenville, who were raising the counties of Cornwall and Devon in support of the King. Their combined forces fought a doubtful battle with Waller's army at Lansdowne, near Bath, and then retreating upon Devizes, were closely pursued by the parliamentary general, and there besieged for three days; at the end of which term, reinforcements under Lord Wilmot having arrived from Oxford for the relief of the beleaguered royalists, the brilliant affair of Roundway-Down immediately followed, which; resulting entirely in the King's favour, at once turned the tide against Sir William Waller, and sent him a fugitive to Bristol. That city also was in a

few days surrendered to the King, and the royal cause again seemed paramount.

One portion of the reinforcements sent forward to the relief of the royalists in Devizes, was the regiment of the Earl of Crawford, who had charge of the ammunition. While lying at Marlborough, he found it necessary to exercise great rigour on the refractory population, who would not be deterred, even by the presence of so imposing a force, from resisting the impositions of his lordship's quarter-master. They so roughly handled that functionary, while in the exercise of his vocation, that the general, without more ado, selected one of their number who he declared had already been once pardoned by the King, and hung him up as an example to the town; at the same time committing the high constables and others who had been most active to the castle prison, until his majesty's pleasure concerning them should be known. Having accomplished this feat, he lost no time in hastening towards Devizes; but when near Beckhampton, he was suddenly set upon by a detachment of Waller's army, who were watching for his approach, and so thoroughly beaten, that he relinquished the whole of his ammunition and had some difficulty in escaping with a few of his mounted followers. (*Clarendon*, vol. iii. p. 227, and the newspapers.)

Waller's defeat at Devizes by no means alienated the Londoners from him. They wanted a general whose dashing performances and devotion to their service might be set off against the tardy and temporizing campaigning of Lord Essex, who was more than half suspected of seeking to make his private terms with the King. Accordingly, committee after committee met in London to urge the contribution of plate and money in the eastern counties for the recruiting of his army. A meeting was called in Merchant Taylors' Hall to urge by an overwhelming petition that all the land should rise as one man to crush the cavaliers. This meeting took place on the 19th of July, and on the following day a com-

mittee of the Commons adjourned to Grocers' Hall for the specific purpose of taking into consideration the best mode of refitting Sir William Waller. The result of all which was that he was speedily at the head of a numerous force.

There was another thing which tended just now to exasperate the Parliament's friends against the King, and prompt them to measures of retaliation. On the very day of the meeting in Merchant Taylors' Hall, a most grievous petition was read to the House from the Marlborough prisoners who were still confined in Oxford castle, and whose condition, so far from having been ameliorated by the expostulations of Lord Essex, had been rendered so afflictive, whether by severity or neglect, that several of their number had died. Among these, Mr. Franklyn, one of the borough members, had fallen the last victim just as the prisoners had subscribed their petition. A pamphlet containing a renewed and more lengthened account of their sufferings was also published, extending through a period of twenty-three weeks. Their petition to the House was accompanied by another from the Assembly of Divines in London, expressive of their sympathy; and it was determined that both the Houses should shew the sense which they also entertained of the evil, by holding a fast thereon.

In the following month of August, the King, in person, blockaded the city of Gloucester, then under the able command of Colonel Edward Massey. Disease and famine soon began to try the patience of the besieged, but their case was not forgotten in London. Members of parliament, as they went in and out of the House, were assailed with the prayer proceeding from the sympathizing by-standers, "Remember Gloucester, oh remember poor Gloucester!" The task of conveying relief to the straitened garrison was entrusted to Lord Essex, who executed it in a very creditable manner. In the very teeth of the King's army, who were greatly superior to his own, he approached Gloucester, threw in his succours,

and so well masked his intentions, that he was a day's march on his way home again before his enemies well knew in what attitude to regard him. Charles now awoke as from a dream; and, having missed his game, resolved to overtake it. With this view he urged his jaded infantry, in person, through Farringdon and Wantage, in order to gain Newbury first; while he sent his cavalry on the track which Essex was himself taking, viz., through Cirencester, Cricklade, and Albourn. Near this latter place a series of skirmishes ensued, in which the steadiness and discipline of the London trained bands were very conspicuous. In the middle of the principal street of Albourn, two of Essex's ammunition waggons broke down, and, to prevent their falling into the hands of the royalists, matches were put to them and they were left to explode. This proved some hinderance in the path of the pursuers; and Lord Essex, without further molestation, quartered his men in Hungerford, and himself in Chilton House. In this battle very few were slain on either side. A French officer was the principal loss sustained by the King. This was the Marquis de Vieu-ville, son to the Lord High Marshal of France. He was taken prisoner, and had quarter given him; but, while marching away with the officer who had captured him, he suddenly drew out a pistol and shot him. The wounded officer, collecting all his energies, flew at the perfidious Frenchman with his pole-axe, and clave his head asunder.

Two days after was fought the first battle of Newbury; a field fatal to the most noble character in the King's service, Lucius Cary, Viscount Falkland. But all the sacrifices and efforts made by Charles failed to prevent the parliament's army from safely returning to London; and thus completing, in a triumphant manner, the most soldier-like march executed during the whole war. Though the Londoners were greatly elated by the issue of this adventure, the poor country-folk in the West were still left in the hands of an unscrupulous

spoiler. With the exception of Wardour Castle, the parliament had not now a single footing in Wiltshire; and all the associated forces had been disbanded and dissipated on the taking of Bristol, excepting some few, who, under the guidance of Alexander Popham, of Littlecot, were serving in Waller's new army in Hampshire. On the part of the King, Sir George Vaughan, the high sheriff, had a regiment in Salisbury; Malmesbury was held by a garrison under the command of Colonel Henry Howard, eldest son of the Earl of Berkshire; while two or three troops of horse occupied Marlborough. These, with the assistance of Sir John Boys, the governor of Donnington Castle, had thus the entire control of the high road, through which all the western trade was driven to London. At this period, Sir Edward Deering, who had recently come over to the King, was holding a command at Marlborough, and rendering himself very active in suppressing the parliamentary commissioners in the county. At the autumn sessions of the peace, he sat with the justices of the county, and got a summons issued against one Master Reynolds, the constable of Everley, a sub-commissioner for the parliament. When Reynolds was placed before them, Sir Edward required him to deliver up the monies then in his hands, urging that he himself had received a commission to gather up all such supplies for the King's use; the man's replies, which were as abrupt and uncourteous as they could well be, were so highly offensive to Sir Edward, that he arose from his seat in the court, struck the prisoner with his cane, and then caused his soldiers to bind him round with match; in which situation he kept him till the justices thought fit to interfere, and put a stop to such irregular proceedings.

This little anecdote, resting as it does on the sole testimony of the party who were exasperated by his recent desertion from their ranks, represents Deering as a proud and hasty man; but this is not the whole of his character. A strong attachment to the protestantism of the Church of England

was the motive, assigned by himself, for twice changing sides ; and, from the frankness with which he acknowledged himself in fault, we are bound to give him credit for sincerity, though it may not enhance our estimate of his moral strength. At the outbreak of hostilities he was in the front ranks of the grievance-hunters ; but so soon as Presbyterianism seemed to be shouldering out the old faith, he lost no time in closing with the King. Becoming, in turn, disgusted with the favour which was extended towards the Irish rebels, to induce them to join the royal standard, he made his submission to the parliament, in February, 1644 ; and, having compounded for his delinquency, retired to his estate, near Canterbury, where, in the course of a few months, he died, his health having long been in a declining state. It is not improbable, since the period corresponds with his return to the parliament, that a circumstance mentioned in the *Mercurius Civicus*, during February, may have come under his immediate notice. This was the enforcement of a 'New Popish Oath,' as it was popularly termed ; a sort of declaration of fraternity with Irish royalists, which was most injudiciously enforced on civilians as well as the military, by the King's party ; and which created so much disgust at Marlborough, that many of the burgesses, to avoid the recurrence of this and other annoyances, forsook their houses, and established themselves in London. The following account of the mode of enforcing this new oath is taken from the *Occasus Occidentalis*, or *Job in the West*, a highly coloured party pamphlet, but not without passages of beauty and pathos.

"The common practice in those parts is this. Upon the Lord's day, when there is a full congregation met together to seek the public food of their souls, they being stripped and plundered of all their outward and bodily comforts, then the civil and military magistrates and commanders do usually send their severe warrants and orders, requiring that first the church doors be shut up and strictly guarded by armed

soldiers ; only the women and children are first let go. Then the cruel officers are sent in to the people, with a new Oath, which is exactly in all points contrary to our COVENANT, and to that solemn Protestation which all those poor souls have taken already in that place. And here the trembling, wretched creatures are put to this miserable dilemma or choice, either to take that perjurious oath, and so to swear that they will fight against their religion, parliament, laws, and liberties, to their utmost, or else to receive a brace of bullets from that carabine or pistol which is there presented to their breast. Brethren, what think you of such a choice as this ?" (page 57.)

During the month of March, Colonel Edmund Ludlow, after a protracted defence, was compelled to surrender Wardour Castle, in Wilts, and was sent prisoner to Oxford Keep. This brings us once more into contact with the Marlborough captives. Confinement in this fortress was what Ludlow had much dreaded, and had accordingly sought to guard against in his terms of capitulation ; though it is but fair to add that on arriving at Oxford, he found that the prison discipline had lately undergone considerable amelioration. This had been brought about by the humane intervention of that portion of the House of Commons who had abandoned the parliament at Westminster, to join the King's parliament at Oxford. They procured the suspension of the Provost Marshal Smyth, and got the management of the prisoners committed to one Thorpe, whose conduct they personally overlooked. They allowed a collection which was raised in London to be distributed amongst them, and did not discountenance a similar provision which was set on foot even in Oxford. The prisoners also found a friend in Dr. Hobbs, an Episcopal clergyman in the neighbourhood, who failed not from time to time to urge upon his hearers, after sermon, the value of a practical illustration of the "pity" which they had just been invoking for "all prisoners and captives." The

condition of the inmates of the castle was now therefore so much improved, that though Ludlow was offered the liberty of the town upon his parole of honour, and on condition that he should hold no intercourse with the other prisoners, he made his election to remain within and enjoy the society of his friends. As an exchange of prisoners took place three months after, at which time Ludlow was liberated, it is possible that the Marlborough burgesses got out at the same time, as we find no further mention made of their captivity, in the Commons' journals. The following entry, though occurring two years later, may not inappropriately be inserted in this place.

7th October, 1646. "ORDERED, That it be referred to the committee of Wiltshire, to provide and supply unto Mistress Franklyn, widow, the relict of John Franklyn, late of Marlborough, in the county of Wilts, esquire, a member of this House, who died a prisoner in the service of the parliament, the sum of £4 per week, for the present subsistence of her and her family, to continue until the said committee shall provide some further maintenance and support of her and her children, in consideration of their great loss, and in acknowledgment of the good affections of the said Mr. John Franklyn to the great cause of liberty and religion, asserted and maintained by the parliament."

When in the course of that year, members' places, vacant either by death or withdrawal to Oxford, were filled up, that of Franklyn as the representative of Marlborough was occupied by Charles Fleetwood, who afterwards became son-in-law to the Protector Oliver, by marrying the widow of Henry Ireton. He was also for some time Lord Lieutenant of Ireland, and was chosen one of Cromwell's lords. In 1654 he was elected to serve conjointly for Marlborough and for Woodstock; and in 1656 he sat not only for this borough, but at the same time for the counties of Oxford and Norfolk.

The spring of the year 1644 was signalized by the battle of Alresford, in Hampshire, in which Waller obtained a doubtful victory over Sir Ralph (recently created lord) Hopton. As the parliament's designs seemed now to be pointing towards the Western counties, the King appointed a rendezvous of several of his regiments to take place in the neighbourhood of Marlborough; and the more effectually to concentrate his powers, he slighted [levelled] the fortifications of Reading, and withdrew its garrison. They met at Albourn Chace, or Goring Heath, in the month of April, and were found to number, according to Clarendon, 10,000; according to the London papers, about 6,000—independently of the forces in the North, under Prince Rupert and the Marquis of Newcastle.

The following mandate, issued to the constables of the Hundred of Potterne and Cannings at this juncture, will exhibit the means used to swell the apparent magnitude of the royal army at the said rendezvous.

“WILTS—Whereas, by virtue of his Majesty's commission under the great seal of England to us and others directed, for the impressing of six hundred and sixty-seven able men within the said county of Wilts; and whereas also it is conceived that twenty-one is a proportionable number for the Hundred of Potterne and Cannings: These are therefore to will and require you, and in his Majesty's name straightly to charge and command you that presently upon sight hereof, you impress within your said Hundred the said one and twenty able men, and bring them to us his Majesty's commissioners at the Devizes, on Friday next, by one of the clock in the afternoon, there to be received. Hereof fail not at your uttermost peril. Given under our hands and seals this four and twentieth day of April, Anno Domini 1644.

First. The persons you are to impress for this service, you shall make choice of such as are of able bodies.

The king slept at Marlborough April 10. 1644, the Rendezvous day, & returned next day to Oxford. — Dagdale's Diary, 1817

Secondly. Such as are for their quality fit to be common soldiers.

Thirdly. Such as are fit for their age.

Fourthly. Such as are single men rather than married men.

Fifthly. Such as being single men, are not housekeepers.

Sixthly. Such as not being housekeepers, are out of service rather than such as are in service.

Seventhly. Such as are mechanics, tradesmen, or others, rather than husbandmen; but no mariners.

Eighthly. Next you shall take care that they be conveniently apparelled either of their own or by the assistance of the parish where they are impressed.

THOMAS HALL.

WILLIAM WILLEYS.

EDWARD HUNGERFORD.

WALTER NARBONNE."

The report brought from Marlborough on this occasion by one of the scouts of Sir Samuel Luke, the governor of Newport Pagnell, and preserved in his "Letter Book" purchased of the late Mr. Rodd for the British Museum MSS. room, is to the following effect:—

"Thursday, 11th April, 1644. Ralph Rogers came this day to Ramsbury, and saith that the King is quartered in the Earl of Pembroke's house there, and that the King and Lord Hopton have 5000 horse and 5000 foot, which are quartered at Ramsbury, and twenty pieces of ordnance: that the Queen is at Oxford, and there is great preparation for her going to Bristol on Saturday next.

"John Souther also testifies that the King had set up his standard on Salisbury Plain, near Marlborough, and had been heard to say that he would be either a king or no king."

[The gentry at whose houses the King appears to have been in the habit of lodging, when marching in this neighbourhood, were Mr. Garret's of Lambourn, Sir Henry Poole

at Sapperton, near Cirencester, also at Sir William Master's of Cirencester, the Lady Fettiplace at Childroy, Sir George Wilmot of Charlton, near Wantage, Sir Robert Pye of Farringdon, Mr. Brown of Shelford, the Lord Seymour of Marlborough. *Iter Carolinum.*]

Charles remained at Marlborough some few days, until entertaining the impression that his Oxfordshire capital was endangered by his absence, he resolved to fall back on that city with his whole army. These things had hardly transpired in the eastern part of the county of Wilts, before the western district became the scene of a hostile demonstration from the opposite party. Colonel Massey issued out of Gloucester in the month of May, surprised Beverstone Castle near Tetbury, took Malmesbury by storm, captured a convoy of royalists at Chippenham with their provisions, and penetrating as far as Devizes, arrested several of the more notable "malignants," and slighted the fortifications of the town. Of course he took care to gather up during his progress all the monies that could with any show of decency be extracted from the natives, though in other respects he appears to have acted with humanity. About the same time Major Henry Wansey took Woodhouse near Warminster, and held it for the parliament.

Colonel Ludlow is now to make his re-appearance amongst us. At the present moment he was holding a commission in Waller's army, having obtained his liberty at the exchange of prisoners which ensued upon the battle of Alresford. Several of the Wiltshire and Somerset gentry in that army now procured leave to raise a local troop for the security of their possessions, and Ludlow having been appointed their captain, he once more rode into his native county at the head of a gallant body of men all signally devoted to his service and eagerly burning again to measure swords with their former rivals Hopton and Doddington. This was on the 23d of June. On that same day, there was a fair being holden at

Marlborough, and thither Lord Hopton was bending his steps at the head of 500 horse, with a view to impress the countrymen into the King's service. Ludlow gained the town first, and fell on the enemy so unexpectedly as they approached, that Hopton was compelled to retire in disorder. After the fair, nine score of the country people joined Ludlow's troop and made his numbers two hundred and eighty. Messengers now arrived, earnestly soliciting him to march to the rescue of Major Wansey, who was blockaded at Woodhouse by Sir Francis Doddington. He, therefore, moved in the direction of Devizes, and having learnt on his arrival there that the enemy was drawn off from Woodhouse, he halted at Devizes for a day or two, and endeavoured, though without success, to enlist additional volunteers. It may here be stated that one company in his troop was commanded by Alexander Popham, Esq., under whom served Mr. Locke, of Bristol, the father of the celebrated philosopher of that name. Colonel Popham, who always interested himself very much in the education of young Locke, was instrumental in sending him to Oxford University.

The version of the above affair at Marlborough, as given by the *Perfect Diurnal*, as well as other notices in the periodicals, seems to intimate that Lord Hopton's reputation as a soldier had sustained considerable damage among the royalists by his recent failure at Alresford. It is true that Lord Clarendon makes no allusion to anything of the kind; and no doubt the feeling, if it existed at all, was of very transitory duration. The following are illustrations of the report:—

“This day produced some intelligence from the clouded Sir Ralph, who being now esteemed of at Oxford but as an outcast (a just reward for his blind zeal against the parliament) was sent to repair his routed honour by raising another army in the West; which not being able to effect, and not daring to come within twenty miles of the lord-general, he returns back again into Wiltshire with about

the same number that attended him out, viz. 500 horse; and having gotten possession of Marlborough on the fair day (no doubt his soldiers wanted fairings), but the valiant high sheriff, Colonel Ludlow, having intelligence thereof, got about a hundred horse of the county, and made good the town and deterred the King's forces from attempting the disturbance of the town." (*Perfect Diurnal*, 11th July.)

"Sir Ralph Hopton, that sun which first arose in the West, is now in a cloud; and for all his great services done to the cavaliers, is left to the wide world as an obscure outcast, with some few broken remnants of horse which now and then make a shift to plunder and rob in Wiltshire—for the liberty of the subject.'" (*Continuation of special passages*. July 10 to 17.)

Nothing of note appears to have occurred at Marlborough during the autumn, except that it was for a short time occupied by the Earl of Manchester's division of the parliament's army. The war was now carried into Cornwall, where the King captured Lord Essex's army, and returned in triumph to Salisbury. Here he divided his forces, and sent one body under the Earl of Northampton, through Marlborough into Oxfordshire, for the relief of Banbury Castle, while he himself pursued Waller through Hampshire to Newbury, and fought the "second battle of Newbury" against vastly superior forces led on by Cromwell, Manchester, and Waller.

It is stated in the *Perfect Diurnal*, 1st Nov., that King Charles with his own hand fired off the first cannon shot at the battle of Newbury, and that he accompanied the act with the following exclamation, "Now for my Crown." His movements immediately after the battle were very erratic. While the main body of his army were retreating in good order towards Oxford, himself with the young Prince of Wales was seen rapidly passing through Marlborough on the following morning with only twenty horse, and in a few

minutes another equally small company came dashing through, inquiring which route the King had taken. At Bath he met Prince Rupert with a reinforcement of 800 men; then leaving that city on the 29th October, was at Sherston in Wilts on the 30th; the following day passed through Cirencester, and reached Oxford on the 1st November. A fortnight after we again find him at Marlborough; for having resolved to plant a permanent garrison in the place, he once more advanced towards Newbury, and in the face of a hostile army double his own, drew a portion of his cannon from Donnington Castle to Marlborough. He arrived in this town on the 12th November, and having collected all the corn and hay which the neighbourhood had just harvested, sent it off with a body of cavalry to his garrison at Worcester; and then taking up his residence in the house of Lord Francis Seymour, superintended the fortification of the place in person.

It was the pusillanimous and hesitating conduct of the Earl of Manchester and other Presbyterian generals on the occasion of this second battle of Newbury which convinced the republicans that a fresh set of leaders must be chosen, and led to the new modelling of the army. While the King was marching away with the cannon as above described, Cromwell offered with his single brigade to fall on their rear, but Manchester, who desired neither to beat nor be beaten, met the proposal with a direct refusal. And having thus unequivocally betrayed the parliament's cause, he made a parade of his devotion by the following letter to the Committee of both kingdoms.

“ My Lords and Gentlemen,—According to your commands, we hold it fit to give you a constant account of the enemy's motions. Yesterday they marched to Lambourn and Wantage. They carried with them but two pieces of ordnance out of the castle, and have left ten there, for want of draughts to carry them so suddenly away. We hear this day that they are marched from Lambourn to Marlborough. Some of our intelligence is that a part of their army is gone by Wantage.

As we hear more certainly of the enemy's motions, we shall give your Lordships an account of it, and expect your orders and directions, which we shall obey as your Lordships' most humble servants.

E. MANCHESTER,
W. BALFORE,
WM. WALLER,
ARTHUR HASILRIGE."

Newbury, 11 Nov., 1644.

The report of one of Sir Samuel Luke's scouts supplies a more graphic version of the same affair.

"12 November. Last night the King went into Marlborough with about 600 horse; and there came into the town divers cartloads of provisions which they had warned the country to bring in, and charged the carters to stay there to be in readiness whensoever they called for them, but many came away privately in the night, and left their carts behind."

One of the London papers reports, "The King is fortifying at Trowbridge Barony, at Marlborough, and despairing of the North and East, will dispute the West by inches."

"Peradventure," remarks another, "the King intends to make trial what new strength he can raise in Wiltshire, and increase his numbers by the losses and ruin of that county. Some are of opinion that he hath an intent to fall on Malmesbury, but I cannot be so readily induced to believe it; the ways this winter season are so very foul and heavy from Marlborough to Malmesbury, especially as you draw near to Malmesbury. The loss of 800 horse not long since in Lincolnshire, who were all taken prisoners while sticking in the mire, will be a sufficient caution to the cavaliers how they dare to adventure to march in full bodies and thick squadrons in heavy ways (this winter season) and almost impassable countries."—(*London Post*, 19th November.)

During the King's stay at Marlborough, we learn from the MS. diary of Richard Symonds, a gentleman in his train, he

hung up two unhappy Welshmen convicted of desertion. This was on the 14th of November. Three days after, he left the town, and according to the *Iter Carolinum*, on his way back to Oxford, he dined at the Bear Inn at Hungerford. Mr. Symonds, whose pocket-book annotations made during the King's march through several counties form an agreeable variation from the ordinary journals of that period, appears to have been principally interested in the public buildings, churches, heraldic memorials, and natural features of the country through which the army passed. His sojourn at Marlborough leads him to remark on the beauty of Ramsbury Manor House, one of the seats of the Earl of Pembroke. He describes it as "a fair square stone house, a brave seat (though not comparable to Wilton) and fine parks." Chilton, he states, was the residence of Mr. Packre. It is observable too that he speaks of the progressive diminution of the Grey wethers in the neighbourhood of Marlborough, as the result of their being used up for building purposes. Mr. Symonds' pocket-book is still preserved in the manuscript rooms of the British Museum Library. The Mr. Packre here mentioned is perhaps the Mr. John Packer, the proprietor of Donnington Castle, who in 1646 obtained from the Lords a power to search Newbury for lead, timber, and goods unjustly carried away by the parliament's forces when the castle was surrendered to them, giving rise in the execution of the said order to a serious affray at Newbury and Basingstoke; set forth at large in the Lords Journals.

Mr. Symonds' pocket-book naturally recalls the private memorials of another gentleman in the same army, the Rev. Thomas Fuller, who followed in Hopton's train in the capacity of chaplain. The following reflections, on passing Salisbury Plain, we may conjecture, were suggested during one of the marches across that district, with the roystering troopers of his patron's brigade, in the course of their numerous scrimmages with Ludlow, Wansey, or Alexander Popham. "Travelling on the Plain, which, notwithstanding [its name], hath its

risings and fallings, I discovered Salisbury steeple many miles off. Coming to a declivity I lost the sight thereof; but climbing up the next hill, the steeple grew out of the ground again. Yea, I often found it and lost it, till at last I came safely to it, and took my lodging near it. It fareth thus with us whilst we are wayfaring to Heaven. Mounted on the Pisgah top of some good meditation, we get a glimpse of our celestial Canaan; but, when either on the flat of an ordinary temper, or in the fall of some extraordinary temptation, we lose the sight thereof. Thus, in the sight of our soul, Heaven is discovered—covered, and—recovered; till, though late, at last,—though slowly, surely—we arrive at the haven of our happiness." (*Good Thoughts in Bad Times*.) Mr. Fuller lived to see the much desired restoration of his royal master, by whom he was made chaplain extraordinary, but he died in the following year, at the age of fifty-four. He held a prebend at Sarum. Some account of his brother may be seen in Wilson's *Dissenting Churches*.

The following newspaper report seems to refer to the providing and erecting of stockades, to complete the fortifications at Marlborough, after his Majesty's departure. "The cavaliers and townsmen of Marlborough have cut down most of the woods of the Marquis of Hertford; and some of the Lord Seymour's own tenants have cut down and much defaced his house and buildings there. So courteous are that party, even to their best friends." (*Mercurius Civicus*, 30th Jan. to 6th Feb.) It was probably during this winter that Highworth Church also was converted into a garrison by a party of royalists, as we find it so occupied very shortly after. Lord Goring, at the same time, was directed to put Sherborne Castle into a defensible state; Sir Jacob Astley was made governor of Cirencester; and Lord Hopton and Sir Charles Lloyd proceeded to raise once more the fortifications about Devizes, and render the castle of that town impregnable. "We see they intend to reduce the West into the state of the Netherlands,

and have a garrison at every five miles, and not to fight so often in the field," says the *Parliamentary Scout*, 20th Dec.

The execution of these works was pushed on by impressing carts, teams, and labourers, from the neighbourhood, as is sufficiently proved by a variety of warrants, still extant, issued by Sir Charles Lloyd and others to the constables of hundreds. Massey had availed himself of similar means when he demolished the works at Devizes, in the previous summer, on behalf of the parliament.

"Some of the cruel and inhuman demeanours of the cavaliers of Marlborough have been already published this week. The unheard of outrages which are there daily committed by those cruel and bloody miscreants, ever since they have received a commission from His Majesty, for their securing [fortifying], are so many, and of such an unheard of nature, that this sheet would not contain the particular relation of them. They not only plunder and take away whatever is of value in the town, but use many threats and menaces to the inhabitants, to make them confess where their money is, threatening to hang them up; and some they have cut, hacked, beat, and mangled. . . . A woman or maid durst not now stir out of doors upon any occasion, for fear of falling into the grasping talons of these greedy vultures. They sweep away and drain all manner of provisions, both in this town and whithersoever they come, leaving nothing but the bare walls; so that it is to be feared there are many families, which formerly lived in good repute and esteem, will be enforced to beg their bread." (*True Informer*, 21st Dec. 1644.)

"It is this day certified, by letters out of the West, that in Wiltshire and Somersetshire the country people suffer exceedingly by the oppression of the cavaliers. It is not fit to name them, lest they suffer the more for making them known; else I could give you many particulars herein, even by some who labour to carry as even a hand with the cavaliers as they can; and yet those who have forty, fifty, or sixty pounds a year in

land, what with contribution-money for the King's army, and plunder of the enemy, have not above three or four pounds a quarter to subsist upon. Whereas, on the contrary, in divers places reduced to the obedience of the parliament, it is certified (particularly from Derby) that they have full markets, and the tradesmen in the towns do enjoy their free trade without molestation. Corn and victuals are reasonable in the markets, and not one cavalier in that county to molest them; and the like also is in divers other counties, where they have so carefully withstood the enemy." (*Perfect Passages*, 8th Jan. 1645.)

"I shall not weary the reader with any further mention of the inhumanities of these barbarous savages, too sadly felt by many, though, unless themselves sufferers, believed by few. I might tell you much of their cruelties in Wiltshire and other parts, of their cruel murdering of one Paradise near the Devizes, but the particulars thereof are too tedious to be now communicated." (*True Informer*, Feb. 1st to 8th.)

The above are specimens of many similar statements occurring in the periodical prints. Excesses were committed by both parties; but whereas London was the stronghold of the parliament, the country parts naturally fell more under the sway of the royalists, whose licenses in the commissariat department were rapidly accumulating on the head of the King the hatred of a large class of his subjects, who otherwise had no quarrel with him. It was this which occasioned in the ensuing spring the organization of the club-army of agriculturists for the defence of their property, led on by such men as John Bennett, ancestor of the family of Pyt-house. Lord Clarendon himself is a witness to some of the most disgraceful charges against the royalists, and fully warrants the assumption that the above pictures are not overdrawn. "The malignity of those parts" (referring to Gloucestershire), he tells us, "was thought by the King's officers and soldiers excuse for the exercise of any rapine or severity among the inhabitants. Insomuch that it is hardly to be credited how many thousand

sheep were in a few days destroyed, besides what were brought in by the commissaries for a regular provision; and many countrymen imprisoned by officers without warrant or the least knowledge of the King's, till they had paid good sums of money for their delinquency." (*Clarendon's History*, vol. ii. p. 841.) Add to this the story of Lord Goring's career, as given by the same hand, and we cannot wonder that a cause so supported was doomed to swift destruction.

But the publication in which the greatest amount of eloquence of a certain kind is brought to bear on the deplorable condition of this part of the kingdom, is the pamphlet alluded to above, entitled '*Occasus Occidentalis, or Job in the West,*' being the substance of two sermons preached in London by the Rev. John Bond, on the occasion of a public fast held for the benefit of the five associated western counties of Cornwall, Devon, Somerset, Dorset, and Wilts. John Bond, a native of Chard, in Somersetshire, had been a lecturer at Exeter at the beginning of the war, and though now comfortably settled out of harm's way in the Savoy church in London, his affection for his native district still prompted him to urge with importunity the cause of the much-suffering "children of the West." He first exculpates the western folk from the charges of cowardice, selfishness, or supineness, and having shown that they were the first in the kingdom to draw the sword, and had been remarkable before the breaking out of the war for their zealous advocacy of the Protestant faith, he then enters into an enumeration of their various afflictions, under the heads of sieges, imprisonments, confiscations, and the like, not omitting to expose what he considered as the distinctive shortcomings of this or that province, which had provoked so many judgments. We may be sure that in such a narrative the trials of Marlborough are not overlooked. He distinguishes this place as Wiltshire's "best defended and most fighting town," though now, he adds, "made a principal quarter of the enemy." In another place we read: "But

once more, if you look to hot service and fiery stormings, as they call them, then take but two instances; first, in the tempest at Marlborough, that was admirably sustained until the defendants were overpowered with lead, fire, and numbers. But chiefly in that great wonder of little Lyme, in Dorset, which having in it but eleven hundred soldiers, did not only sustain, but shamefully repulse, a leaguer of no less than, by their own confession, six thousand enemies; whose demicannon and other ordnance played incessantly upon their weak and thin line for full eight weeks together; whilst the soldiery in the town, having digged pits, or graves rather, for themselves under their line in the earth, to shelter themselves from the ordnance, did there eat and drink, and lodge, and dwell, in mire and clay, to the end of that siege. So that not only their own judicious and noble friend [the Lord Admiral Maurice] is said to have professed that he never saw such paper works defended by men; but even the repulsed Prince, their enemy, is said to have acknowledged, that had not the defendants been rebels, as he miscalled them, every man of them did deserve to have command Finally, amongst castle sieges, that of Wardour in Wilts will be famous to posterity, both for passive and active valour to the utmost.

“Did the enemy consume Job’s substance with fire? Alas, poor West! thou mayst compare heaps of ashes with most parts of the land. Thou hast been the land of fire and smoke in divers places, as the cities, the towns, the parishes, and divers stately and antient mansions do testify; some of them being cruelly turned to ashes by the enemy, others necessarily fired by our friends to burn out the hornets that were gotten into them; and by this means hundreds of families have been turned out, like herds of cattle, into the open fields and woods, leaving dunghills and heaps of ashes in the places where their goods and dwellings did lately stand.” (*Occusus Occidentalis*, pp. 44 et aliis.)

Sundry modern prejudices affect to be shocked at the union of religious phraseology with rebellion, exhibited in the seventeenth century. But such language was not fanatical; it was the fashion of the times. It was as natural for squires to talk theologically then, as it is to be political now. See, for instance, the long correspondence between Sir Edward Baynton and Hugh Latymer. Even the practice of attributing success in war to the favour of Heaven, was not confined to the victorious parliamentarians. Shakespeare puts into the mouth of Henry V, language with reference to the battle of Agincourt, which, if written by Cromwell, would be reviled as fanatical, though differing but slightly, even in phraseology, from the despatches concerning the taking of Bristol, or the "crowning mercy" of Worcester. That gossiping fellow Aubrey, perceiving in his day a remarkable tendency towards puritanism in North Wilts, attributed it to the sourness of the soil. The sour soil, he said, engendered sour herbage, and the sour herbage in due course produced a sour theology. He might have given a better explanation. Latymer, when minister of West Kyngton, had perambulated the district and preached in all the villages. It was a deep wrought hatred of popery which arrayed the common people against the King, however others of higher station may have fought for the integrity of parliament. To have drawn the sword in such a cause was pardonable in men who had long seen the example of Gustavus Adolphus, as the military champion of Protestantism, held up for admiration throughout Europe. Their own grandfathers, too, we must remember, had witnessed the fires of Smithfield; their fathers had fought against the Spanish armada; and to crown all, Irish Catholics, by the wholesale massacre of Protestants, had recently kindled in their own days the pandemonium of heathen Rome. Can we wonder that they entertained a greater horror of popery than we do, or that they should revolt from a King who was perceived to be on such friendly terms with his rebellious Irish subjects, if they

would only lend him their services against the parliament?

Even granting that the contest with the Stuarts was not, strictly speaking, a religious war, the general rule will hardly be ignored, that while the Catholic families took part with the King, the parliament's cause, on the other hand, was mainly upheld by the descendants of the Protestant reformers. The following anecdote will illustrate this principle, and serve to show how the animosities engendered at a former period carried their influences into the struggle of the seventeenth century.

Lord Stourton, of Wilts, a zealous papist in King Edward's and Mary's time, was in 1556 convicted of murdering one Hargill and his son, neighbours with whom he had been long at variance. The lord, with the assistance of four of his servants, knocked his victims down with clubs, cut their throats, and buried them fifteen feet deep. The affair getting wind, they were all tried at Salisbury, and on the 6th of March, 1557, hung, the lord in a silken halter, the servants in common halters. Three of the latter suffered at Mere where the crime had taken place, the fourth servant and Lord Stourton at Salisbury.

This act of justice was trumpeted by the Catholics as a signal proof of Queen Mary's impartiality; but subsequent rumours told another tale, and destroyed her credit in the whole transaction. The day before that appointed for the execution, the sheriff (Sir Anthony Hungerford) hearing a report that a pardon, or, at least, a reprieve was coming from the Court, hastened over to Wilton to advise with the Earl of Pembroke as lord lieutenant. The earl, equally determined to frustrate such a design, closed his gates very early, and gave orders that none should be admitted during the night. Soon after the issuing of these directions, Lord Stourton's son arrived post haste with the order of release, but, unable to obtain admittance, thought he could do no better than ride

back to Salisbury to communicate the intelligence to his father. The sheriff, watching his opportunity, likewise quitted Wilton, and waited at Salisbury till, in the morning, he ascertained that young Stourton was again on his way to Wilton. Now was the critical moment, when the sword of justice must crush its victim, or be taken for ever out of human hands. The distance between Salisbury and Wilton was only two miles, but young Stourton was just so far gone, that his return, after an interview with the lord lieutenant, could not be expected within an hour. The sheriff summons his *posse comitatus*, and Lord Stourton is led out to instant execution.

After this, it is not surprising that the house of Stourton should be at deadly feud with that of Pembroke, and instinctively draw the sword against a cause supported by Hungerfords. [For the above at large, see Burnet's *Reformation*. The bishop, when he came to live in Wilts, verified the tradition by consulting aged persons at Mere, grandsons of Stourton's contemporaries.]

THE WESTERN CARRIERS. It is rather surprising, that beset as was now the Western road with the King's garrisons, any of the cloth manufacturers should have ventured to send their wares to London. The following anecdotes will show in what peril their property was placed. A large company of Wiltshire carriers and clothiers having started for London, and entered into a composition with Sir John Boys, the governor of Donnington Castle, that they should be unmolested by the royalists on their route, by the payment of £3 for each waggon, were proceeding on their way near Marlborough, when they were met and captured by a body of cavalry, who were marching from Basing-house to the garrison of Bristol. Massey, the governor of Gloucester, having heard of the circumstance, and ascertaining that the captors as well as their booty were still in Marlborough, instantly drew out 200

horse, and came so unexpectedly upon them, that though they made a show of resistance at the entrance of the town, he drove them in again, took thirty prisoners and fifty horses, and restored the wains to the carriers. Among the prisoners were Sir Anthony St. Leger, their commander, and Sergeant-Major Hyde. (*True Informer*, 26 Jan. to 1 Feb.)

In the above affair Colonel Boys appears to have borne, or assumed, the office of excise receiver-general, for the whole line of road. He did not forget this character on the next occasion which presented itself. In the following month of May, a large party of clothiers, anxious to transmit a cargo of their goods to London, resolved to convoy them in person. As they probably started from Devizes and its neighbourhood, they entered into a bond with Sir Charles Lloyd, the governor of that town, whereby they engaged to pay him a sum of more than £400 as excise on the cloth after they should have transported it to the metropolis and returned in safety with their teams. Upon this presumption they took the road, and passed in safety the King's quarters at Marlborough; but on approaching Newbury, the terrible apparition of Sir John Boys, at the head of the Donnington garrison, soon brought them to a stand. Of course they laid open to him the circumstances of their case, and exhibited the bond with the governor of Devizes; but Boys insisted that the excise was as much payable to himself as to any other of His Majesty's servants, and ordered them forthwith to produce the whole amount, though it was not due till after their return into the country with empty wains. The clothiers being unprovided with such a sum, were driven to the necessity of raising the amount by loan amongst their friends in Newbury, which with some difficulty having been effected, they were allowed to proceed on their journey. They had not gone far before they were caught sight of by the troopers from Wallingford Castle, who instantly pouncing upon them, drove them all—teams, baggage, and carriers, into the castle, where the

governor, Captain Blake, not only forcibly detained their goods for many days, but suffered his troopers to search their pockets. The end of it all was, that after much vexation and delay they obtained their final discharge, by consenting to pay an additional £10 on every pack of cloth, or leaving an equivalent in value; by all which means it came to pass that on arriving in London the worthy merchants discovered that they had lost just one-third of their property. Here they related their sufferings, and met with due commiseration; but how or when they ever got back again into Wiltshire, neither the *Diurnals*, *Intelligencers*, *Mercurys*, *Scouts*, *Doves*, no, nor even *A 'Perfect Summary of Exact Passages,'* seem able to inform us.

There was one check, and that not a very powerful one, to the royalists in the North of Wilts. This was the active look-out of Colonel Devereux, the governor of Malmesbury, who occasionally co-operated with Massey from Gloucester. During the winter they endeavoured to establish a force at Pinnel House, near Calne; but the little garrison being immediately reduced by the Devizes troopers, they next made an attempt to fortify Rowden House, near Chippenham, but with no better success; and, finally, in the summer, they garrisoned the town of Chippenham. This also was taken by storm by Sir James Long (who acted as high sheriff of the county on behalf of the King), with the assistance of musketeers from Devizes and Lacock. It is true, also, that Edmund Ludlow led his troop about the county, in the service of the parliament, but he appears to have been very unfortunate; almost every one of his adventures in Wiltshire, according to his own showing, having ended in discomfiture and flight. He had for his major a little bragging Frenchman, named Dowett, who brought great discredit on his cause by his irregularities. The parliament summoned Dowett to appear in London, and account for his conduct; but he evaded proceedings by going over, with part of his troop, to the royalists at Devizes, where

he was made a captain of horse, and found renewed opportunities for harrying the country, distraining the farmers, and robbing the clothiers and carriers. We shall meet with him again.

During the spring of this year, 1645, Sir James Long's Wiltshire regiment of horse was defeated and captured, near Devizes, by Cromwell and Waller; and the latter officer, whose reputation had suffered in the previous year by his defeat at Roundway, still further recovered his popularity by executing, a few days after Long's capture, a most brilliant affair at Cane Hill, near the same town, on which occasion he chased the Devizes cavalry up to the very gates of the castle, and shot Captain Jones, their leader, in the streets. In retaliation for this mischance, a party from Devizes resolved on executing a stealthy march upon Marlborough, with a view to surprise a portion of Waller's army, which lay there. As the narrative is preserved in the highly characteristic language of one of the actors, it will be as well to let the doughty cavalier speak for himself. This was John Gwyn, a Welsh officer, whose autobiography was first published by Sir Walter Scott in 1822. His account of the affair at Marlborough is as follows:—

“When a party of Waller's horse beat up our quarters at the Devizes, and furiously scoured the streets, giving no quarter to any soldiers they met, then I ran and leaped across the street of such a sudden by them, as to escape both their swords and pistols, when they killed Captain Jones with others, and shot Ensign Garroway in the neck. And to be quits with them, a knot of my own associates, officers, and reformadoes, belonging to the garrison, came to pass away an hour or two with me, at my quarters, and there contracted to make a party to go and fall upon Waller's rear-guard, at Marlborough town-end; and, withal, strictly resolved that not a word should be spoken, after once their swords were drawn, but all to march on in order, and unanimously to sing

a brisk lively tune (being a great part of their design), and so to fall on, singing. As they did,—beat the enemy, and pursued them through the town at mid-day, and market-day too; which so rejoiced a number of loyal-hearted market people, that their loud shouts gave an apprehension as if an army had come to second them. This stroug alarm did so discompose their whole camp, that this small party had time enough to make good their long retreat; and to bring with them their well-deserved prize, they so bravely fought for, of prisoners, horse, and arms, without the loss of a man, and but one or two alightly wounded.”

This John Gwyn was one of the most devoted of the royalists. Before the war he had been a retainer in the household of Charles I, where he was employed in training the young princes to military exercises. After the King's execution, he continued to follow the fortunes of Charles II; but the Restoration brought little benefit to the old soldier, for he appears to have been passed over in the course of promotion in the Royal Guards, where he had so long held a subordinate commission, and to have been left to embarrassment, if not to want. At the end of his military sketches, he draws up the following summary, containing the very notes of the tune used at the affair of Marlborough.

“I could add very much to this small manuscript of what else has been my observation, besides my own undertakings and performances, if I thought requisite; but I will rather reduce the total of what more I have to say briefly thus. I never objected against any difficulties whatsoever I should meet in going to any place or country to serve my prince, but was always one of the very first upon all engagements; and have been at as many fights, small and great parties, desperate sallies, and private engagements, as any one man's time could permit. Nor can any just person say to his knowledge that ever he knew me to act anything unworthy an honest man, a gentleman, and a soldier. And I hope that this real

account of my fidelity and service, with the severity and hard measure dealt me (unknown before unto your Majesty), will render me the more acceptable unto your Majesty's most gracious and wonted promise of reward; and as it may encourage others to proffer their duty and service to their King, equal, or above their lives; as, for example, those eighteen or twenty brave fellows did at Dunkirk battle, or as that small party from the Devizes have expressed it, when they courageously sung and fought till they routed Waller's rear-guard at Marlborough town, and with a jovial old tune which here brings up the rear." [The tune, Sir Walter observes, resembles the old Scottish air, "Up in the Morning Early."]



The important public events which during the spring of 1645 rapidly succeeded each other, but which it would be foreign to our purpose to enlarge upon, were, the storming of Leicester by the royal army, the decisive action of Naseby, and the King's retreat into Wales. Previous to Naseby fight, Lord Goring having been summoned out of the West, to join the royal standard, and to gather in his way such troops as he had left in Wilts, came through Devizes on the 1st of May, and appointed the conspicuous eminence of Tan Hill as a rendezvous. His numbers here swelled to 3000, with whom he marched during the following night to a spot called "Marlborough Thorns." Here the main body of his men bivouacked during the next day, while his scouts brought in provisions from the neighbourhood. When evening approached he advanced towards Abingdon, drove in some troops of Cromwell, and rejoined the King, who in the course of the following month sent him back to renew the siege of Taunton. Fairfax and Cromwell, at the head of the new-modelled army,

were now sweeping into the West to complete the conquest of the kingdom. In the prosecution of this celebrated march Fairfax entered Wiltshire by way of Marlborough, on the 27th of June, and on the same day a party was sent through Wanborough, to take in the garrison of Highworth, which was kept for the King by Major Henne. The principal post of strength in that town was the parish church, around which the royalists had constructed a line and drawbridge. As Fairfax's men drew up before the place, a party, headed by Lieutenant-Colonel Sir Thomas Nott, made a show of resistance at the entrance of the town; but this being speedily silenced, the royalists retired within their lines, rejected the first summons to surrender, and prepared to defend the bridge. The leaguer was then formed by the assailants, ordnance planted against the walls, and a storming party organized; which portentous course of procedure, in a short time, had the desired effect of inducing the governor, Henne, to yield up everything upon the simple condition of quarter for life. In the church was found a considerable store of provisions, beside seventy prisoners and eighty stand of arms. Colonel Devereux was then entrusted with the provisional command of the place, until the parliament's pleasure might be known thereanent.

While the army remained at Marlborough, Fairfax sent forward several spies towards Taunton, to announce to Governor Blake the certainty of his approach; and on the 30th he marched on to Amesbury. In this town he hung up a soldier who had deserted his colours, and two days after he gave the country another exhibition of the rigorous discipline which characterized the new-modelled army. The delinquent in this case was a dragoon, who being convicted of having plundered a gentleman's house near Marlborough suffered the fate of the deserter.

Attracted by the fascinations of a "fulsome fair," which was to be holden at Marlborough on the day after Fairfax's

departure, several of his soldiers had ventured to tarry behind and mingle in the sports. But they forgot that the opportunity for indulging in a pastime so irresistible to themselves might present equal attractions to freebooters of the opposite party; and it so happened that Major Dowett, at the head of 150 of the Devizes troopers, was just then on one of his prowling expeditions, and looking out for adventure. Without much difficulty, therefore, the unwary Fairfaxians became his easy prey, and were all marched off to Sir Charles Lloyd's castle. Encouraged by this success, Dowett resolved, before returning to Devizes, to reconnoitre various detachments of the county forces who had been mustering under the shadow of Malmesbury Castle, and were now lying in open quarters in the villages of Charlton, Hankerton, and Newnton, preparatory to their marching under Massey, as general of the western forces, to the relief of Taunton. Dowett's approach was unnoticed till he reached Lydiard Tregooze, when information was speedily transmitted to Devereux at Malmesbury, who, relying on the strength of his allies in the villages, determined to delay active operations till the next morning, and then to fall on the cavaliers when he presumed they would be wearied out with their midnight marauding. The execution of this plan was entrusted to Captain Sadler, in consequence of his superior acquaintance with the face of the country; and accordingly he posted himself with three troops, at an early hour, on the high ground about Clack and Bradenstock Priory. He had not waited here long before Dowett passed him at Christian Malford, without either party being aware of their mutual proximity; but one of Sadler's trumpeters having caught sight of some stragglers, instead of carrying the intelligence back to his company, imprudently sounded an alarm, which revealed to the cavaliers their critical situation and induced them to start off riding for their lives. The pursuit was instantly commenced, but Dowett being considerably in advance, was able to keep ahead all the way to

the village of Rowde, though his horses, as well as their riders, were ready to drop down from exhaustion and the heat of the weather. Here it was urged by Dowett, that as the proximity of the Devizes garrison made it very unlikely that their pursuers would venture to approach any nearer, they should now give themselves and their horses a few hours of agreeable relaxation among the hay, before returning into quarters. To others of the officers this counsel appeared extremely unwise, but the major's influence prevailing, they all turned into a pleasant meadow called Rowde Close, and having unbridled their horses, stretched themselves on the grass. In this state of inaction information arrived that Sadler was close upon them, and this fearful intelligence was instantly followed by the apparition of that doughty captain himself bursting into the meadow and scattering the cavaliers right and left. Four were instantly cut down, fifteen taken prisoners, among whom was Cornet Dowett, a brother to the major, together with forty-five horses and many arms. The rest leaped over a ditch, and escaped by a bye-way into Devizes. It was remarked of the prisoners that they were "all very proper men," that is to say, handsome, well-built men.

This misadventure caused Dowett for a while to be in bad odour with his new friends, some ascribing to treachery his determination to dismount at a moment of such peril; but, with the exception of this affair, there does not appear to have been much ground to suspect his allegiance, unless it be urged that his unceasing depredations were a prolific cause of disaffection towards the cause he embraced. The town of Marlborough, in particular, suffered severely at his hands, and her markets and fairs were a never-failing object of allurements to his hungry followers. On one occasion he rode up to the mayor's house, demanding certain arrearages which he pretended were owing to the garrison at Devizes, and threatened to fire the town if the money were not forthcoming. One of the weekly journals of that time has the following paragraph:

"From Malmesbury, in Wiltshire, it was this day certified, that the committee thereabouts were gathering what force they could to go along with Colonel Massey. But at the Devizes the enemy are very cruel; who are accustomed to sally out on Friday night towards Marlborough, and use to lie all about the Downs during that night, that early in the morning of the next day they may rob the market people, which they do in great cruelty." (*Perfect Occurrences*, 20th June.)

"From Marlborough intelligence came that the enemy's horse from the Devizes having waited all night, that morning they robbed divers; and they cut one man that brought provisions to the market on the shoulder to the very bone; another on the head, hurt others, and robbed many: whereupon a party of horse were sent from Malmesbury to drive them away, who lay upon the Downs till night." (*Perfect Occurrences*, 21st June.) Dowett then went southward to beat about in the neighbourhood of Salisbury, where, coming in contact with a body of the clubmen, he was worsted in the encounter, and several of his men got severely "hacked" by the rude weapons of their adversaries.

We left the army at Amesbury, the vicinity of which spot, on account of its open character, had been selected by Fairfax as a place of general rendezvous. At Stonehenge, therefore, on the 1st of July, various companies resorted to his victorious standard; whereupon the entire army was marshalled in battalia, and in this imposing order moved across the plain to Broad Chalk, a distance of twelve miles.

The clubmen, to whom reference has been made above, were a body of agriculturists who, professing to have no other object than the procuring of peace and the preservation of property, were led on by several of the country gentlemen and countenanced even by the clergy. One report sent to London this month is as follows "Those in Wiltshire which they intend to make up 3000 are many of them led by parsons and episcopal and cathedral men. On Monday was

seven-night last, one parson Waterman, of Wootten Rivers, led up a party of his parish, all that he could get to join him, and brought them up to 'The Thorns,' near Marlborough; and the rest of the parsons take the same course, to vapour up and down the county. We may hereafter give the names of some of the chief sticklers." (*True Informer*, 5th July.)

This club army having swelled to a formidable body, began to dictate terms to Fairfax, and demanded that as a preliminary to peace the garrisons of Wiltshire and Dorsetshire should be put into their hands. Cromwell, therefore, suppressed them at a blow, and took all their leaders prisoners. Many of their followers he describes as "poor silly creatures," who begged to be let go home, saying they would be hanged before they came out again on such an errand.

The next adventure we hear of in the neighbourhood of Marlborough is another raid executed by the Devizes troopers, in the month of August. Three hundred parliamentary horse being quartered in Albourn, Dowett and Long fell upon the town in four bodies, and took seventeen prisoners. Information now reached them that 500 had rallied and were coming to the rescue; whereupon, having exchanged as many of their wearied horses as the captured men could supply, they abandoned their prisoners, and rode upon the spur to Devizes. (*Mercurius Aulicus*.)

The war was now drawing to a close. All the garrisons in the West were successively reduced by the parliament during the autumn, and the King was shut up in Ragland Castle. Dowett, in conjunction with his friend Sir James Long, though driven from his Devizes quarters, still hovered in the neighbourhood of this town, and for a few months longer maintained a precarious existence. He now undertook to raise a new regiment in North Wilts, though well aware that the royal cause could no longer be efficiently aided by the few desperate and desultory efforts he still had it in his power to make. The only two notices of his movements after this

period, which the journals furnish, are both of them of a calamitous kind. The first describes him as being, in concert with Long, set upon near Ramsbury by Commissary General Ireton and Major Whalley, and chased into Farringdon; the second narrates the particulars of his death. This took place in November, at an unsuccessful assault on the town of Lechlade, which had just been garrisoned by a body of men draughted from Malmesbury. Dowett was wounded in the charge, and while his men were retreating, he became by some accident separated from them by a wide and deep ditch under the enemy's works. A corporal of his garrison was with him, and also our old friend Captain Gwyn. Dowett and the corporal leaped first, but both fell back and perished. Gwyn then leaped his horse immediately after them; and as fortune had not yet quite forsaken him, he cleared the ditch and joined his company; otherwise, as he adds, "I might have been anatomized as Mr. Jewett was." [He spells Duett with a J, which is merely in accordance with the London practice, still in use, of pronouncing D as J in such words as verdure, mildew, duke, due, and the like. Sir Walter Scott, as editor of Gwyn's Memoirs, still further alters the name by printing Jewell for Jewett, a mistake likely to arise in transcribing from the slovenly MS. of an old soldier. He also uses Juett.]

The party whom Dowett had deserted exulted greatly in his overthrow, and regarded his death as a manifest judgment from Heaven. The cavaliers, on the other hand, felt that they had lost an active and enterprising agent; and as a proof of the esteem in which his memory was held, his name was afterwards registered in the "List of Royal Martyrs." Gwyn, who was his constant associate, styles him "an accomplished gentleman."

It is uncertain whether or not the parliament stationed any permanent garrison at Marlborough at this time, unless the following may be regarded as any proof of the fact. "Sir

John Causfield with a party of horse from Oxford beat up the rebels' quarters at Marlborough, took Colonel Eyres the rebels' governor of the Devizes, Mr. Goddard a committee-man, Captain White their commissary general, three troops of horse, one hundred foot soldiers, with good store of arms and ammunition, with the loss of but three or four men slain, and not many hurt."—(*Mercurius Rusticus*, 20th January.)

This appears to have been a most desperate incursion of the Royalists, and may be regarded as the final blow struck in Wiltshire during the war. Their career may be traced by means of the following newspaper extracts. "The Oxford horse, under the command of Sir John Causfield, six or eight hundred, went to Salisbury, where they began to plunder that famous city which hath been too good a friend to them. They broke open the prison-doors, and let out all sorts of malefactors and delinquents to the number of forty." . . . "They forcibly entered the dwelling-house of Mr. Gore, a justice of the peace of that county, in the night-time, pulled him out of his bed, and carrying him in a cold frosty night into his garden, with only his shirt on, set him down on the cold earth without any clothing, while the rest plundered the house of all they could find, and cut open his beds to discover any money that might be there concealed. The gentleman was about seventy years of age, and under the extremity of the gout."—(*Perfect Passages. Weekly Account. And Continuation of Special Passages*, Feb. 4th to 17th.)

"The mischievous horse from Oxford that took the committee and gentlemen at Marlborough, of whom I told you last week, have been since beaten by the High Sheriff of the county, gallant Master Thistlethwaite. Would that we had more such sheriffs, and fewer committees, for they make divisions in most counties." (*Scottish Dove*, 4th February.) [Thistlethwaite was sheriff only by command of the parliament; Colonel Sir James Long still nominally fulfilling that office in the name of the King.]

January, 1646. For the security of the four associated western counties of Devon, Somerset, Dorset, and Wilts, Massey's brigade was now increased to more than 9000 men. In this county Malmesbury and Devizes were to be kept up as garrisons, and Highworth as "a quarter;" and the county to be assessed at £2900 a month. The assessment on the other counties was as follows: Dorset, £1748; Somerset, £5000; and Devon, £6600. Wilts and Somerset were also chargeable for the separate maintenance of Bristol garrison, where the redoubtable Philip Skippon commanded; but that worthy man found himself, notwithstanding all the parade of "ordinances," so crippled for want of necessary funds, that he begged the Lords, in one of his inimitable letters, either to take away his command, or send him sufficient means. Says he, writing in February, "Nothing is as yet paid out of Wiltshire; only about £700 paid in from Somerset; whereby I am utterly disabled from raising the regiments designed for this place . . . while Monmouthshire calls for a succour from hence. So did the counties of Wilts, Somerset, and Gloucester, in this last plundering voyage of the enemy's horse in those parts, which, though I could not as I would, yet even beyond my numbers, with respect to the security of this place, I afforded; it being my great affliction not to be able to help our distressed friends, and to advance the public service as my heart desires. . . . Oh that I durst presume to beg an answer to this letter, that I might know how to behave myself, and what to trust unto! for, as the case stands now, it is impossible for me to bear so intolerable a burden long."

The summer of 1646 witnessed the total disruption of the King's affairs. On the 5th May he privately quitted Oxford, his last stronghold in England, and threw himself on the nationality of the Scots. In the following month Fairfax took the city of Oxford by composition.

At the very moment when Charles, beleagured by his sub-

jects, and rendered desperate by reverses, was meditating his northward flight, how strange is it to meet with the announcement that at a country seat in the neighbouring county of Wilts, his daughter, the Princess Elizabeth, was holding a sort of court, little suspecting that the spell of prerogative which attracted the veneration of those around her, was so soon to be broken by the ruin of her father! On the 4th of May, the House of Lords was informed, "That the King's daughter, with the retinue that came with her from Exeter, was now at Wilton, in the county of Wilts, where her being might be prejudicial to the country, because all the malignants of the country did resort thither." The princess's subsequent career was brief and sorrowful. She was committed to the guardianship of the Countess of Leicester, first near London, then at Penshurst, a seat of the Earl of Leicester, in Kent, and finally removed to Carisbrook, her father's prison, where she died a year and nine months after his execution. [Such at least was the Princess *Elizabeth's* fate. But though it is her name which the printers of the Lords' Journals have affixed in the margin, it seems more than doubtful that the entry in the text has reference to the Princess Henrietta. She escaped into France during the same year, 1646.]

Oxford having surrendered, and a multitude of the King's adherents falling by this means under the absolute power of the parliament, the penalty for delinquency, in the shape of decimation, was prosecuted with renewed vigour. To some persons, indeed, no pardon was allowed, and they were compelled to quit the realm; but the majority entered into a composition with the victorious party, and returned to their homes. Let us see how Lord Seymour, of Marlborough, steered his course at this troublesome juncture.

"To the Rt. Hon. the Earl of Manchester, Speaker of the House of Peers. Present these:

"My Lord,—My humble suit unto your lordship is, that you

would be pleased to present this enclosed petition to the Hon. House of Peers, by whose order I am now restrained. I was twice at your lordship's House before any order was made in the Lords' House, to have desired your favour (being as I understood the Speaker of that House) to acquaint their lordships with my being in town, and that I was ready to wait upon them to receive their commands. And on Friday last, before I saw any order, I was then attending on the House to have made my address unto their lordships; so that your lordship may see that my failing herein was rather my misfortune than any wilful neglect. If this truth shall appear unto your lordship, I shall hope to find your favour and mediation for the obtaining of my liberty, and that I may stand right in the opinion of that Hon. House, which shall oblige your most humble servant,

F. SEYMOUR."

"29 July, 1646."

"To the Rt. Hon. the Lords assembled in Parliament. The humble petition of Francis Lord Seymour :

"By your lordships' order to your gentleman usher, bearing date the 22d of July, I find he is commanded to take into his custody such peers as have come out of the King's garrisons, and have not made their address to the House of Peers; by which order he told me I now stand committed. It is true I came out of Oxford, which was the King's garrison, unto this place, conceiving I might so do by the pass of Sir Thomas Fairfax, and by the articles of agreement made at Oxford upon surrendering thereof, which I am ready to produce if your lordships shall require it of me. Nor could I doubt of Sir Thomas Fairfax's power for the making good of his pass and the articles of agreement made at Oxford, conceiving he had his power of being General as much from your lordships as from the House of Commons. If I am in this mistaken, I hope your lordships will believe it was far from my intention

to neglect or give distaste to any, but shall be ready to give all due respects unto this Honourable House. My Lords, having now set down the truth of my case, I shall submit it unto your lordships' farther pleasure, with my humble suit that you will be pleased to take off my present restraint. And I shall ever pray, &c.

"F. SEYMOUR."

An order was immediately made for his release. The composition fine for himself and his son was estimated at £3725, but only £2725 was exacted. About seventy-five persons resident in or connected with Wiltshire are described as sufferers by confiscation, those belonging to this neighbourhood being as follows :

The Marquis of Hertford	£8345
Lord Francis Seymour, and Charles his son	2725
Sir James Long, of Draycot, Esq.	810
James, Earl of Marlborough	200
The Dowager Countess of Marlborough, and Will.	
Ashburnham, her present husband, M. P. for Ludgershall	
	521
Sir Walter Smith, of Great Bedwyn, in addition to	
£40 per annum settled on the ministry	
	685
Sir William Button	2380
Mr. Bodenham, of Ramsbury, amount not stated.	
Richard Brown, of Lockeridge and Backwill, amount not stated.	
Sir John Glanville, of Broad Hinton	2320

Until each person's fine could be adjusted by a local committee, his estate remained in what was termed sequestration; and this incubus could only be withdrawn upon his acknowledging his delinquency, revealing the full amount of his pecuniary resources, and paying thereupon a "tenth."

In illustration of the correspondence which took place on these points, the following case of Charles, son of Lord Francis Seymour, may serve as a specimen.

1646. "To the Honourable Committee at Goldsmiths' Hall, for compounding with delinquents, the humble certificate of the Commissioners of the county of Wilts, in the matter of Charles Seymour, Esq.

"Touching his delinquency. We certify that he was about four years past, by his Majesty's commission under the great seal, nominated a commissioner for sequestrating the estates of such as stood for the parliament, but that he only once gave meetings with others of the commissioners; nor can we learn that he ever executed anything, but at that time did get many of the parliament's friends freed from trouble, that were quartered by the King's party, as by certificate herewith sent you, may appear. Shortly after that commission was granted, he went out of this county to Oxford, where he remained till the surrender thereof, and he affirms he went thither on purpose to avoid any employment against the parliament.

"Touching the sequestration of his estate. We had no power of it till this year, by reason of the King's forces overpowering this county; yet the last year he sent to us, being then at Oxford, that he was willing to pay to us for the parliament what he was able, and did pay £60 for that year. And for this year, ending at Lady Day next, we have compounded with him for £80. And we are credibly informed that he hath not at any time supplied the King with moneys, or taken up arms against the parliament, nor can we be informed of any other delinquency than is herein expressed.

"THOMAS GODDARD.

JOHN GODDARD.

"GABRIEL MARTYN.

EDMUND MARTYN.

"WILLIAM LEGGE."

"To the Honourable the Committee of Parliament for the County of Wilts, now sitting at Marlborough :

“ We whose names are subscribed, do make bold to certify to your honours that we do very well know Charles Seymour, Esq., son and heir to Francis Lord Seymour, who, although he was appointed a commissioner with others to assess fines and raise moneys on divers parishes and persons in the said county of Wilts, yet to our knowledge the said Mr. Seymour did never sit but one day during the execution of that commission, but then and afterwards did very much good, and also did great to and befriend many persons then grievously fined and taxed; and also for ought we know or have heard, the said Mr. Seymour did never take up arms against the parliament; but whilst he lived at Allington, near Chippenham, behaved himself very nobly, friendly, and lovingly amongst us and others. All which we shall be ready to make good when we shall be thereunto required.

“ George Russel, rector of Littleton Drew.	John Wallis.	Henry Bull, constable of the
John Taylor.	John Gibbon, jun.	hundred and bailiff of the
Dominick Matravars.	George Smith.	borough of Chippenham.
Henry Cullimor.	Thomas Smith.	Richard Scott.
John Matravars.	Lawrence Pinchin.	Anthony Neate.
Elias Matravars.	Peter Webb.	Gabriel Collins, sen.
John Hulbert.	William Wastfield.	William Edwards.
	John Woodland.	Philip Cogswell.
	William Kyte.”	

18 Dec., 1647. In the Commons House.

Resolved. That this House doth accept of the sum of £3725 for a fine for the delinquencies of Francis Lord Seymour, and Charles Seymour, his son and heir-apparent. Their offence is that they left their habitations and resided in the garrison of Oxford whilst it was held against the parliament. They rendered upon the articles of the garrison aforesaid. The estate in fee tail per annum £950, in old rents per annum £130 15s.; quit rents per annum, £27 16s.; for 99 years per annum, £140; for three lives per annum, £262 10s.; in reversion, old rents per annum, £16; for one

life per annum, £477 10s. : Out of which issues, for one life per annum, £30 ; a statute on the said lands of £1040, and also a mortgage of £500 : which being allowed, leaves the fine at a tenth, £3725.

An ordinance for granting a pardon unto Francis Lord Seymour, and Charles Seymour, his son, for their delinquency, and for taking off the sequestration of their estates, was this day read, and upon the question, passed, and ordered to be sent to the Lords for their concurrence.

7 Aug., 1648. In the Lords.

"Whereas Sir John Glanville, of Broad Hinton, knight, serjeant-at-law, hath been referred, by order of the Commons, to the committee for advance of money, &c., to compound for his delinquency, and five and twentieth part, he having left his habitation, and gone and resided in Oxford, the enemy's garrison ; which committee proceeded to a fine with him for £2320, whereof £1350 is satisfied by the rectory impropriate of Lambton, co. Devon ; so that only £970 remains to be paid : The Lord and Commons approve the said composition, and ordain that, for his five and twentieth part, he pay only the fifth part of the yearly revenue of his lands. And he is hereby discharged of his imprisonment, and of his bail. And his Majesty's solicitor-general is to prepare a pardon for him, with restitution to him, his heirs and assigns, &c. &c. Provided, that if his lands, during the three years preceding 1640, shall prove to have been of greater value than set down in this Ordinance, then he shall be liable to such further fine as the Houses shall appoint."

Circumstances would frequently render it impossible for a delinquent's fine to be discharged at once. Its payment therefore was eked out, delayed, exacted, or commuted in accordance with the state of the times. The office of sequestrator, inquisitor, and informer, must have been a most invidious one, especially when exercised amongst neighbours ; and we may safely conjecture that the sentiments engendered

by antient friendship and consanguinity on the one hand, or by local jealousies on the other, must have constantly tended to disturb the impartiality both of returns and levies. We gather from the following letter despatched from Marlborough, in the autumn of 1648, that the appointment of a variety of treasurers for different districts in the county was a system which the parliament soon found it expedient to arrest. The letter was written by a person apparently unconnected with Wiltshire, a newly elected functionary, who, being armed with fresh powers from "above," thus announces to his masters the progress of his mission in this county. His system of orthography must have been obsolete even in 1648, but in this we need not copy him.

"For the treasurers of sequestrations sitting at Guildhall, London.

"Gentlemen,—I delivered both my letters for the county of Wilts to the committee. There is [now] but one committee in the county. They received it very well, and told me they would put the ordinance in execution speedily. The parties I delivered my letters to are Mr. Hill, of Salisbury, Mr. Good, of the same place, and Mr. Martin, father and son, both of Marlborough. The solicitor is Mr. French, who dwells at Warminster. Mr. John Poulton is sequestrator and collector; Mr. Hill is treasurer now: Mr. James Goddard, father and son, were, and Mr. Ditton was, and Mr. Jess and Mr. Stokes. These were treasurers when the committees were divided into several parties in the county. My letters have set them together by the ears one with another, and they begin to impeach one another. Some of them will be hard put to it to give account. I cannot discover what moneys they have by them; they say, none. There will be a matter of £2000 in rents come in now. I have sent you a note of the best information I could get. Some of them have great accounts to give. Their committee of accounts

never acted as yet; so I conceive they have great accounts to give. I am going for Somersetshire; so in haste I rest

"Yours in what I may in this your service,

"HUGH JUSTICE."

"Marlborough, 23 Sep. 1648."

Master Justice then appends a list of shortcomings charged against the local sequestrators, upon information furnished to Captain Humphrey Dimocke by another busy gentleman, Mr. Longbridge, of Marlborough. The following counts are some of the most serious.

A farm at Allcannings, belonging to Mr. Goddard, of Salisbury, was left to his wife to receive the rents, being £80 per annum, and no benefit came to the State.

Sir John Glanville's estate, at Broad Hinton, being sequestered, and orders from above to sell the stock, and let the estate; nothing done therein.

My Lord Seymour's estate being worth £8000, great part being quit rents, was let at £400, since the country was in the parliament's power.

Mr. William Fisher, of Liddington, being a commissioner and treasurer for the King's party, and a charge proved by Mr. Edward Goddard and Mr. John Longbridge, yet Mr. Fisher was not sequestered: his estate worth £200 per annum.

Mr. Brown, of Chalford, being proved a papist and in arms, his estate, which was worth £200 per annum, was let at Michaelmas last, to Mr. Brown's bailiff, at £70; and though a thousand pounds were proffered for his stock, with security for the money, the stock was sold to his bailiff for £400.

Mr. Goddard, of Swindon, a commissioner for the King, was fined only £20 by the committee, he having £600 a year.

A charge of delinquency was brought against John Woodward, bailiff to Mr. Brown, a papist, yet no notice was taken,

though the witnesses were freeholders, and men of good repute, he being worth £1000.

£200 a year having been proffered for Mr. Brown's farm at Ludgershall, the committee of Salisbury let it to his bailiff for £60.

John Brimsden, of Ogbourn, though proved a delinquent and sequestered, was allowed to compound for £20, though worth £70 per annum, besides his stock.

Sir William Masters' estate at Minsall [Minal or Mildenhall?] is tenanted to Mr. Hulber, of Marlborough:—no account these three years.

The document closes with an exhibition of the accounts of Robert Good, William Ludlow, Richard Hill, Edward Martyn, Humphrey Ditton, Thomas Bailey, James Goddard, William Jess, John Strange, Thomas Poulton, Thomas Cox.

It is a common error to suppose that Dring's well-known 'Catalogue of the Lords, Knights, and Gentlemen, who compounded for their Estates,' represents the royalists whom Cromwell subsequently fined, at the time of Penruddock's rising in 1655. The error has arisen from Dring's book coming out and being dated at the latter period. But it needs only a very cursory acquaintance with the actors of that day to perceive that vast numbers of those mentioned by Dring had in 1655 either become ruined, or had disappeared, or were become subservient to the new dynasty. Take the Seymours of Marlborough for instance. We shall see that in 1655 they managed to coax Cromwell into a free exemption from tribute.

Once emancipated from the intrigues of faction and the rude alarms of war, Lord Seymour of Marlborough appears to have re-adopted with avidity the quiet life to which his love of the country and a devotional turn of mind predisposed him. In truth the facility with which the business of life in every grade of society was resumed so soon as peace returned, is highly illustrative of the intellectual character of the war;

book-building went on more rapidly than ever; trade, which had never entirely ceased to flow in its accustomed channels, seemed instinct with new life; agriculture broke up fresh fields, and the gentry and yeomanry resumed their favourite pursuits. The following extracts from the sketches of the antiquary Aubrey exhibit the metamorphosis which the cessation of hostilities had suddenly wrought on one who, much more than the Seymours, possessed the attributes of the soldier—Sir James Long of Draycot.

“I never saw the country about Marlborough till Christmas 1648, being then invited to Lord Francis Seymour’s by the Honourable Mr. Charles Seymour, with whom I had the honour to be intimately acquainted, and whose friendship I ought to mention with a profound respect to his memory. The morrow after Twelfth-day Mr. Charles Seymour and Sir William Button met with their packs of hounds at the Grey-Wethers. These Downs look as if they were sown with great stones very thick, and in a dusky evening they look like a flock of sheep, from whence they take their name. One might fancy it to have been the scene where the giants fought with huge stones against the Gods.” “It was here that our game began, and the chace led us at length through the village of Avebury into the closes there, where I was wonderfully surprised at the sight of those vast stones of which I had never heard before, as also at the mighty bank and graff about it. I observed in the enclosures some segments of rude circles made with these stones, whence I concluded that they had been in the old time complete. I left my company awhile, entertaining myself with a more delightful indagation; and then cheered by the cry of the hounds, overtook the company and went with them to Kennet, where was a good hunting dinner provided. Our repast was cheerful, which being ended, we remounted, and beat over the Downs with our greyhounds. In this afternoon’s diversion I happened to see Wansdyke and Old Camp [Oldbury], and two or three sepulchres. The

evening put a period to our sport, and we returned to the castle of Marlborough, where we were nobly entertained; '*juvat hæc meminisse.*' I think I am the only surviving gentleman of that party." (*Monumenta Britannica.*)

A very brief consideration sufficed to convince our antiquary that the remains at Avebury were of a character far more remarkable than those of Stonehenge, and he resolved in consequence to institute a more careful investigation. In making these researches he observes, "A further opportunity was that my honoured and faithful friend Colonel James Long, of Draycot, was wont to spend a week or two every autumn at Avebury in hawking, where several times I had the happiness to accompany him. Our sport was very good, and in a romantic country; for the prospects are noble and vast, the Downs stocked with numerous flocks of sheep, the turf rich and fragrant with thyme and burnet.

*Fessus ubi incubuit baculo saxoque resedit,
Pastor arundineo carmine mulcet oves.*

Nor are the nut-brown shepherdesses without their graces. But the flight of the falcons was but a parenthesis to the colonel's facetious discourse, who was '*tam Marti quam Mercurio,*' and the Muses did accompany him with his hawks and spaniels." (*Mon. Brit.*)

Sir James Long so far forgot the animosities of war, that he afterwards became intimate with the Protector, who commanded him to wear his sword in his presence; a privilege which induced "the more strict Cavaliers," as Aubrey styles them, to look upon him with suspicion.

We must now recur to the autumn of 1646, when the King, having taken refuge in the Scottish camp, left his enemies in England to fall out among themselves. The controversy that ensued, usually designated as the rivalry between the Presbyterian and Independent factions, greatly distracted the councils in London; but the lofty genius of Cromwell bestrided the

angry flood, and compelled its discordant elements still to flow in one direction. The army clamoured for its arrears of pay. The Presbyterians in the House and in London wanted the army voted to Ireland and sent out of the way. Both parties at length united in declaring that at least two independent sections of the army should be disbanded, a body in the northern counties under Poyntz, and the western forces alluded to above under date Jan. 1646, known as Massey's brigade. The dissolution of this latter corps was expected to be a work of some peril, and Fairfax therefore, accompanied by Ludlow and Ireton and two regiments of horse, went, as a precautionary measure, down to Devizes, where the disbanding was ordered to take place. To aid in the payment of the men thus dismissed, a resolution passed the House 6th Oct. that out of the fines of Lord Seymour of Marlborough, Sir William Button, and Sir James Thynn, £6000 should be devoted to that purpose. The affair passed off quietly at Devizes, though many of the disbanded men pretended that the interests of Ireland were sacrificed by the act, and failing to excite a mutiny in the brigade, enlisted before they left Devizes in a new regiment raised for that country. As for Massey himself, he went over to the King. It was indeed quite time to relieve the country of the presence of these local troops. The Wilts Committee, who appear to have sat principally at Marlborough, had in the previous July sent an expostulation to the House, declaring that the robberies and outrages committed by Massey's brigade were too scandalous to be longer borne. No man, they said, was safe, either abroad or in his own house.

Amid this confusion, many of the Presbyterians were plotting for the King, and hesitated not to challenge Fairfax as the restorer of legitimacy. Every man could utter what he chose. The sword was sheathed, but pamphleteering continued to rage. As the scope of the present work must necessarily have its geographical bounds, further notice of these events will be restricted to a passage, having reference

to the town of Marlborough, occurring in the journal of one of the petty agitators of the hour. A bragging officer, named William Harrison, addressed about this time a long, rambling complaint to Fairfax as generalissimo of the army, the object of which is not very apparent. He begins by excusing himself for absence from the army, which he declares was owing to an execution for debt out against him by Mr. Marriott, of Hartwell park. This made it necessary for him to quit the country, which, however, he did not do, but after a while, rejoined the army when encamped at Saffron Walden, conversed with several of the officers, and then posted off again into the West (though it is evident no one sent him), to ascertain what prospect there was of the army going to Ireland (or rather to talk with Massey about the King's affairs?). Being unfurnished, as he acknowledges, with any written warrant, while scouring the country on so doubtful an expedition, he arrives at Marlborough at the close of day, and announces to the postmaster his intention of riding post all night. The postmaster consents, but the committee get wind of his design and countermand the use of the horses, alleging as the reasons of their prohibition, that Harrison could show no warrant that he belonged to Sir Thomas Fairfax, and that as to Fairfax himself, they understood that he was "falling off from what he was." Harrison sent back a contemptuous reply, adding, and here no doubt he spoke the truth, that he was very sorry that any one belonging to his Excellency should be so undervalued as to be refused horses for money, when going about his necessary employments. So, having settled his account with "mine host," the unhorsed adventurer stalked forth into the streets. The night was approaching, but it was clear he must be off at all events. At this moment it was his good luck to recognise Thomas Sclatter, "an honest young man" as he terms him, and one who had recently served as a soldier [the name of Sclatter is frequent in the burgess rolls of Marlborough]. Sclatter

assured him he was ready to go along with him, or do him any other service for the sake of Sir Thomas Fairfax; and Harrison, taking the honest young man at his word, forthwith loaded him with his cloak, and the two then set off walking into Gloucestershire, and accomplished fifty miles before they considered their journey at an end. This feat, the deponent further says, was executed on his own part with the encumbrance of the heavy riding jack-boots of the period, to which we may of course add the indispensable rapier and pistols. To drag boots of this class through miry roads was only one degree less oppressive than wearing them in burning sunshine, and recalls the lament of Scott's broken-down cavalier,—

“I have stockings 'tis true, but never a shoe—

I am forced to wear boots in all weather.”—*Woodstock*.

Arrived in Gloucestershire, our hero calls a meeting of some of the principal landholders of the county, and gives them to know that Fairfax was as anxious as themselves to restore the King; to which sentiment the gentlemen were “so propense” that they assured him he should want neither men, money, horses, nor arms. He concludes his narrative with a recommendation that Mr. Marriott should be sent for by the sequestrators of his county and dealt with as a delinquent. Here we discover one at least of Master Harrison's motives in laying his journal before Fairfax. The work is certainly not very creditable to him as a whole, but inasmuch as it has supplied us with a little episode illustrative of the manners of the time, we have only, in the language of the reviewers, “to thank the author for his book, and to recommend its perusal to others.”

1648. 25th Nov. The Lords and Commons nominate and approve of William Cawley, of Burdropp, Esquire, to be sheriff of the county of Wilts.

The mention of this name gives occasion to correct an error of some traditionary standing, and confirmed by its

long remaining unchallenged in a work so popular as Burke's *Commoners*; the statement, viz. that William Calley or Cawley, of Burderop, was the same as the person of that name whose signature is attached to the death warrant of Charles I. Now, William Cawley the regicide was a brewer of Chichester, and of a totally distinct family. The main points of his history will show that the identity of the two is an invention of comparatively modern date. William Cawley, of Chichester, sat in the Long Parliament for Midhurst, and held a commission in the parliament's army. Being, at the Restoration, specially exempt from pardon both as to life and estates, he left this kingdom and lived at Geneva till 1662, when in company with Edmund Ludlow (another regicide) he repaired to Lausanne, at which place or at Vevay he was certainly living in 1663, for under that date his name appears in conjunction with Ludlow's, in a letter of thanks to the lords of the Canton of Berne. Finally, he never appears to have returned to England. His seal attached to the death warrant of the King represents "a chevron ermine between three harts [?] heads erased," certainly not the arms now borne by the Burderop family.

Now for William Calley, of Burderop. Mr. Burke says, "This gentleman, a violent opponent of the royal cause during the civil war, acted a prominent part among the leaders of the parliamentary party, and his signature appears attached to the death warrant of the ill-fated Charles I. He married Anne, daughter and coheir of William Bower, of West Lavington, Esq., by whom he acquired a considerable estate at Lavington, and, dying in 1660, was succeeded by his eldest son Sir William Calley, Knight, of Burderop, who obtained from the restored monarch restitution of the lands forfeited by his father, received the honour of knighthood, and had a grant of full pardon, which document is still possessed by the family at Burderop. Sir William died without issue, and was succeeded by his brother Oliver Calley."

All this sounds very authentic, and as most of the Wiltshire pedigrees are well known to have been furnished to Mr. Burke by the respective families, the error can hardly be attributed to him. Indeed, a correspondent (signing "N.") of the *Wilts Independent* newspaper, 5 June, 1852, remarks that the late J. J. Calley, of Groundwell House, certainly considered his ancestor as the regicide, and stated it in the hearing of the writer. We must therefore suppose that the deed of pardon preserved at Burderop House, without specifying any act of rebellion, came in course of time to be regarded by the family as pointing to the fatal signature on the death warrant, since in popular estimation this was the crowning sin of all; and if to this be added the fact that a son of the real regicide (the Rev. John Cawley) became rector of the neighbouring parish of Didcot, and also of Henley, in Oxfordshire, it is easy to imagine that common report may have helped to confound the families. There was a third fact adding strength to the Burderop legend, in the eyes, at least, of modern genealogists, namely, the connection by marriage of William Calley, of Burderop, with the notorious Sir John Danvers, an undoubted Wiltshire regicide; Elizabeth, the other daughter of William Bower aforesaid, having married Henry Danvers, Esq., a cousin of Sir John. Dangerously implicated the Calleys certainly became, though not in the terrible deed to which they have subsequently laid claim.

The immediate ancestor of the Burderop family was William Calley, merchant, of London, in the time of Henry VII. His grandson settled at Highway, in the parish of Hillmarton, and his descendants, first at Overtown, and then at Burderop. The William Calley living in the Rebellion was the son of Sir William Calley, knighted in the early part of Charles I's reign. William died as stated above in 1660, and was buried at Chiseldon. Aubrey writing *circa* 1670 mentions in his time "the escutcheon of William Cawley and Ann Bower," as hanging on the north wall of the chancel at Chiseldon, and

gives the blazon of the arms. The coat is also, he says, displayed on a window of the chancel of Hillmarton church, being "Quarterly argent and sable, on a bend gules three mullets of the first; and the crest, which was granted in 1579, being a demi-lion rampant argent, charged with a bend gules, thereon three mullets of the first, holding a battle-axe, handle gules, head argent. William Bower's portrait is still preserved in Burderop House, with the arms painted on it, viz., sable, a cross patée argent. The Lavington estate derived through him was sold, about 1818, by the late Thomas Calley, Esq.

The above "historic doubt" was first expressed publicly by the present writer, in the columns of the *Wiltshire Independent*, 29 May, 1851, and elucidated in the succeeding number by a copious explanation from the pen of J. B. Mullings, Esq., of Cirencester, from whose statements the above account has been in great part compiled.

1648-9. PERIOD OF KING CHARLES' DEATH. — Captain John Merriman, from whom the Merrimans of Marlborough claim descent, commanded a troop of horse in the parliamentary service during the civil wars. Being entrusted with the custody (in a subordinate degree) of the King, while a prisoner in Carisbrook Castle, he executed that service with so much consideration and good feeling, that his Majesty gave him several tokens of his favour and regard. In a commission subsequently granted to Merriman, by the Rump Parliament, he is described as Major in Colonel Rich's regiment of horse. (*Commons' Journals*, 13 July, 1659.)

I possess a sword which has descended to me with the report of having been given to Capt^m Merriman by King Charles 1st for the Captain's kindness to him when he removed him from Carisbrook Castle.

There appears to be no record anywhere of this tradition, but the sword has been handed down father to son.

CHAPTER VI.

EVENTS SUBSEQUENT TO KING CHARLES' DEATH—FRANKLYN'S
WIDOW—THE BURFORD RISING—CROMWELL AT RAMSBURY—
THE GREAT FIRE—NEW MARKET-HOUSE—TRADESMEN'S TOKENS
—CROMWELL'S CHARTER—PLOTS OF WILDMAN AND PENRUDDOCK
—HOULBROOK THE BLACKSMITH—THE SEYMOUR FAMILY—
CHARLES II AT MARLBOROUGH—THE EJECTED DIVINES.

19 Feb. 1649. A letter, inclosing the copy of a proclamation (the nature of which is not stated), despatched by the Mayor of Marlborough, was this day read in the House, and ordered to be sent to the council of state. If this were an instrument declaring Charles II to be King, he must have been a bold man that had issued it. Perhaps it was only sent to the mayor by the King's agents in Scotland, where he was undoubtedly proclaimed.

7 May, 1649. Colonel Ludlow reports from the committee of the West, touching Mrs. Deborah Franklyn, of Marlborough, in the county of Wilts, that according to an order of the 7th Oct. 1646, they thought fit, and did order the committee of Wilts to pay unto her, out of the estates of Sir Edward Hyde and Mr. Bodenham, of Ramsbury, in the said county, the sum of £4 per week.

Ordered. That the committee of Wilts be required forthwith to pay unto Mrs. Franklyn the arrears of the £4 a week formerly allowed to her; and that they do assign the same to be paid unto her, for the future, out of the estate of Sir Edward Hyde and Mr. Bodenham, according to the order of the committee; and if those estates be not sufficient, then out of some other sequestered estates in that county, and to take care the same be paid accordingly."

The necessity for this reiterated order in the widow's behalf does not appear, since the resources whence the supply arose were to remain the same. The Wilts committee were probably annoyed at the amount of the pension, and had in consequence become lax in their payments. They had other demands too, as the following will show.

28 May, 1649. Lady Hungerford, (widow of Sir Edward Hungerford, late member for Chippenham), Sir John Danvers, and Sir Neville Poole, having petitioned against the said committee, *Ordered*, That the sequestrators, and committees for sequestrations, for the county of Wilts, do, and are hereby required, out of the rents, profits, and revenues of the sequestrations, and the sequestered estates of such persons as are excepted from composition, or shall not compound by the time limited, forthwith pay the sum of £500 due upon bond unto one Mr. Aldsworth (which was borrowed of him towards the payment of the charges of a regiment of horse, raised under the command of Colonel Ludlow, for the service of the parliament in the county of Wilts), for which debt Sir John Danvers, knight, and Hugh Audley, Esq., stand bound; and Sir Edw. Hungerford, knight, deceased, and Sir Neville Poole, gave counter security, to save the said Audley harmless. And the said Audley having paid (as he allegeth) the said £500 unto him, the said Mr. Aldsworth hath sued the executrix of the said Sir Edward Hungerford, and the said Sir Neville Poole, to an outlawry upon the said counter bond; and that the said committees and sequestrators be required forthwith to pay the said £500, raised as aforesaid, unto Giles Hungerford, Esq., brother to the said Sir Edw. Hungerford, who is hereby authorized to receive the same, and therewith to discharge the said bond. It is further ordered, that it be referred to the committee of indemnity to consider of this business concerning the said suit, and to proceed therein as they shall see cause.

THE AFFAIR AT BURFORD.—This was a mutinous rising at Salisbury, among the levellers or fifth monarchy men, portions of Ireton's, Harrison's, Scrope's, and other regiments. They were that section of the army the most vehemently opposed to Presbyterianism: and part of Ireton's regiment it was who had enacted the famous scene in St. John's Church, at Devizes, similar to that described by Sir Walter Scott as occurring at Woodstock. The faction at Salisbury commenced their operations by a convocation within the area of Old Sarum, and then moved northwards in a body of nearly a thousand, marching by way of Amesbury and Marlborough, to a rendezvous in the Midland Counties. While halting at this town, the leaders penned a letter to Fairfax, basing their insubordination on unpaid arrearages, and the illegality of sending them to Ireland; and then immediately pushed on to Wantage, where others were to join them. Cromwell of course was on the alert, and with a body of picked troops quickly reached Andover. But before advancing further on their rear, he sent forward to expostulate with them, Francis White, a major in Fairfax's regiment, who with Captains Scotten, Peveril, and Bailey, rode on to Marlborough, and finding that the insurgents were gone, pursued them to Wantage. Here a parley was held, but it proved quite ineffectual, though a letter from Fairfax arrived at the same instant, meeting all their demands, and Cromwell took care to tell them that they need not fear that any force was following the heels of the messengers. Deaf to remonstrance, they advanced to Burford, and Cromwell perceiving that no more time was to be lost, now pursued them with unexampled rapidity, and taking them wholly by surprise, captured some hundreds, and dispersed the rest. Three were shot as an example, and the rest were all marched off to Devizes, to remain in a sort of quarantine at that town, until they should either be restored to their respective regiments, or be otherwise disposed of.

CROMWELL AT RAMSBURY.—The disorders incident to a state of war being now comparatively at an end, Marlborough does not appear to have been again the scene of a military spectacle till six months after the King's death, when Cromwell came through the town on his way to Bristol, at the head of a large force destined for the conquest of Ireland. The Earl of Pembroke had invited him to an entertainment at his Manor-house of Ramsbury, where accordingly on the 12th July, 1649, a grand feast was given to the General, his officers, chaplains, and other persons of distinction; the army, we may presume, meanwhile being quartered principally in Marlborough. To memorialise the occasion, a lampoon was shortly after published by the royalists, purporting to be a speech delivered by Lord Pembroke to Oliver after dinner. The following extract may serve as a specimen of the whole.

"If your Honour love hunting, you shall be sensible that in my old days I deserve a park as well as the city of London. I love a cry of dogs better than a pair of organs. Mistress May loves them too, and I love her as well. You know, Sir, I am member for *Bark*-shire, and then my lord, when old dogs bark, they give counsel; but if they bite, they bite sore. Now you see we must bark and bite too, and learn to hunt men as well as we do foxes." "You are now going to hunt the rebels in Ireland. I wish you good sport, that you may catch your game; I mean the game-royal. A good hound upon the chase will not leave the hot scent to follow a rascal-deer. My lord, you have been well fleshed: pursue the royal game; the rest any cur will pull down." "My lord, you are welcome, and all these gentlemen as welcome as yourself, who have honoured me in giving me a visit. I hope I shall be able to visit the House of Commons before Michaelmas, when I make no doubt I shall give consent to the making of such laws as shall make the nation glorious, for if we don't afflict them they cannot be glorious," &c. &c.

Various other satires of the same kind were levelled against

the aged nobleman, who was never forgiven, either by his contemporaries or his successors, for renouncing his order, and sitting in parliament as a commoner. His death, which occurred in the following January, gave occasion to the scurrilous lines beginning "Ding dong—Pembroke's dead and gone." Also "The life and death of Philip Herbert, the late infamous Knight of Berkshire, with his discourse with Charon during his voyage to Hell, his trial before Æachus, Minos, and Rhadamanthus; and the welcome he received from Pym, Dorislaus, and Rainsborough." Then there was also his (mock) Will and testament, attributed to Samuel Butler, but more probably the work of Marchmont Needham or Bruno Ryves. This class of literature was much in vogue at the time. Every page of the 'Mercurius Aulicus' sparkles with the wit of irony. The writers themselves would probably have urged that they had no expectation of deceiving their contemporaries; though there is a story on record of King Charles himself mistaking as a genuine speech of Pembroke, one of Clarendon's forgeries [see Godwin's 'Commonwealth']. Clarendon's fabrications to be sure were unsupported on the pinions of fancy or humour, and he ought therefore never to have ventured on such experimental flights. His imitations are as heavy as his originals, and of almost equal authority. It is however surprising that a modern writer, the author of 'Wilton and its Associations,' should recite as a genuine fragment of authentic history, the ridiculous harangues put into the mouth of the Earl of Pembroke, and the "well-affected tanner" who opposed him at his election for Berkshire.

On the death of the Earl of Pembroke, a convocation was held at Oxford, and Oliver Cromwell elected to the office of Chancellor. For his excellent management there, consult Stoughton's 'Spiritual Heroes.' The Duke of Wellington has since occupied the same chair, which was probably never so efficiently filled as by these two warriors.

8 June, 1649. An act providing maintenance for ministers, and for other pious uses, was read a third time, and sundry provisoes proposed, such for instance as the following: that £560 per annum, hitherto paid to the ministers of the city and close of Sarum, out of Dean and Chapter lands, be continued to them; which passed with the negative. That £100 per annum, settled on the town of Marlborough, be continued; this also was rejected.

15 June, 1649. Mr. John Caves, of Marlborough, was, *inter alios*, added to the Wiltshire Committee for levying the monthly assessment of £90,000.

7 Nov. 1649. Thomas Bond, of Ogbourn, Esq., High Sheriff for the county of Wilts. This gentleman, in his youth, had been the associate of Sir John Danvers in foreign travel, and he reported of his companion that his personal beauty was so striking that the people ran after him in the streets to admire him.—(*Aubrey*.)

In the list for this year occurs the name of Sir Francis Burdett, Bart., pricked for the county of Derby.

28 Jan. 1650. *Ordered*, That Thomas Bond, Esq., have liberty to go out of the county upon his urgent affairs, as his occasions shall require, notwithstanding his being sheriff.

Nov. 1650. A proposal that Hugh Audley, Esq., should be sheriff for the ensuing year, being negatived in the House, Lawrence Washington, Esq., was selected. The Washingtons were seated at Garsdon, near Malmesbury. (See the family pedigree in Baker's *Northamptonshire*, i. 514.)

In 1639, William Dunch, Esq., had sold the mansion-house and certain lands at Avebury, with other hamlets thereto adjacent, to Sir John Stowell. The purchaser borrowed from three individuals, and for all the sums thus obtained, Mr. George Long stood surety. But when in 1651 a bill passed for the sale of certain delinquents' estates, all the lenders prosecuted Long with a view to recover their money. A clause was therefore proposed to be inserted in the said Act, making the sums due,

both principal and interest, payable out of the Avebury estate. But it passed with the negative. Aubrey, writing some thirty years after, makes repeated allusion to Lord Stowell's house at Avebury.

THE GREAT FIRE OF MARLBOROUGH, 1653.—The fact that this great calamity was contemporaneous with the ascent of Cromwell to the supreme power is thus chronicled by a party writer. "The town of Marlborough was reduced almost to ashes on the 28th of April, an ominous commencement of this incendiary's usurpation, whose red and fiery nose was the burden of many a cavalier's song." (*Heath's Chronicle*, p. 343.)

It appears to have broken out at seven o'clock in the morning, in the out-house of one Francis Freeman, a tanner, residing at the west end of the High Street, near St. Peter's Church. The accident arose from the operation of drying bark. Freeman was from home at the time, and owing to this circumstance, the assistance of the neighbours who proffered their aid in extinguishing the flames was imprudently rejected. In a few minutes the fire communicated itself to a number of thatched houses on the opposite or north side of the street, and being driven by a strong wind then ran eastward for three or four hours, utterly consuming the houses on both sides, and at last attacking St. Mary's Church and the market-house. The principal houses in the town fell a prey to the devouring element, including almost the entire parish of St. Mary. The church itself was partially destroyed, and also a magazine of provisions in the market-house. The following letters from some of the sufferers will be read with interest :—

"To Mr. Eaglesfield,

"Yours received.—I have to unfold a sad business to you, which happened on Thursday last, I being at the Devizes. It pleased God to lay his heavy hand by fire on Marlborough,

which hath burned down our dwelling-houses. I have but little saved, not above £8 worth of all my goods and books, so that we that are in the town have no habitation; scarce anything left but our lives; all burned; the children crying to go home, and I tell them we have none to go to. St. Mary's Church, with the market-house, and all the chief houses in the town on both sides of the High Street, burnt to dust; three hundred families at least out of doors. I do not know well what course to take for the present. Pray tell Mr. Sparks of this. The loss is unspeakable; all being on fire in an instant of time. I rest your loving friend,

JOHN HAMMOND."

"*Marlborough*, 30th April, 1653.

"To Mr. Lawrence, in London.

"I doubt not but that before you receive this letter, you have heard the relation of our sad miseries and afflictions which the Lord hath lain on us, in the day of his fierce anger against Marlborough. All the heart and principal parts of it laid in the dust, to the utter undoing of a multitude of families that now want bread. And I have had a great share in this sad affliction, my houses being burnt down to the ground, and a good part of my wares plundered, lost, and burnt. My loss is very great, yet it is a mercy we escaped with our lives. The most furious fire that ever mortal creature saw. We were all in the dust within three or four hours. If it had been in the night, we could not have escaped with our lives, but, blessed be the name of the Lord, he hath not utterly destroyed us as we deserve. We are thereby put out of our habitations and callings, and if speedy relief be not sent from the nation, it will be a ruinous place and destitute of trade, and a monument to posterity that once there was a flourishing town that now mourns in silence. I hope the city [of London] will have a compassionate eye and lend us their help. I am so tired out with watching, that I

can scarce write sense unto you. I pray let your uncle Strange and other friends partake of this sad news. With my kind respects to yourself and Mrs. Lawrence, I remain yours,

“THOMAS BAYLY.”

“To Mr. Scattergood.

“Friend,—Had I leisure and strength, I should tell you the saddest story that I think you ever heard, of a town no bigger than Marlborough, where in three hours were consumed at least two hundred and fifty houses, and all these the chiefest. Not one shopkeeper’s house left standing, nor scarce one sufficient man’s except our major’s, and that was entered upon by the fire, but God made me an instrument to save it; and in all probability by so doing, the most part of the poor houses now left.

“All the others lying in the dust. My loss is about £2000, £1100 in houses, 300 quarters of malt, £100 in wood, besides household stuff, some goods and money, and goods lent to several men, that were sufficient before this sad calamity, but now are not able to pay fourpence. But all this troubleth me not so much as that many honest and sufficient tradesmen have not money to buy bread; though I praise God I have, and divers friends in and about the town would entertain me, but I bless God I am not yet brought so low, and I trust that no man shall lose fourpence by me; neither shall they so long as I have threepence left. I have gotten two rooms to make a shop of, in the most convenient house, though a thatched one. We have sent three friends to the General, and I hope every good man will be put forward by all that have heard of the once flourishing condition of Marlborough, that it may be built again. If not, we are all utterly undone for ever, both for trade and lodging; for we have not one inn left standing in the town. The Lord keep you, and your true-loving friend, to his poor power.

JOHN KEYNES.”

"To Mrs. Manning,

"On Thursday last, there happened in our town a great and lamentable fire, which did burn down and consume all the eminent parts of the town. The fire did begin almost at St. Peter's Church, at Francis Freeman's house, a tanner, on the south side of the High Street, and did burn down both sides of the way. Not one house escaped. It burnt the Town-hall, the market-place, and four or five tons of cheese in it; also St. Mary's Church, and the chiefest part of St. Mary's parish is burnt. The like fire was scarce ever seen by any man in England. It is thought there are between three or four hundred houses burnt. The loss cannot be conceived as yet. All the shops and inns in the town are burnt to the ground. It hath pleased God to spare our house (yet we had a great loss), which we acknowledge his great mercy to us, in sparing us. It is a great and sore affliction. I pray God it may be sanctified to us, that so we may have cause to say it was good for us that we were afflicted. THOMAS KEYNTON."

The memorial from which the above extracts are made terminates its appeal in the following manner:—"This antient market-town being so remarkable a place for trade and commerce, both with the cities of London and Bristol, and also serving for a magazine and storehouse for all the inland counties near adjacent, and of so great consequence generally to all persons who have any relation to those parts, it is hoped that all the true and sincere-hearted people of this nation will seriously consider the woful calamity and sad affliction of their Christian brethren and countrymen, to administer such relief as they are able in this dark day of their lamentable visitation, towards the re-edifying of that deplorable place, not knowing whose turn it may be next to implore the help of others upon a like occasion."

Another account of the fire published under the title of 'Take Heed in Time,' written by L. P., and printed for

F. Grove, 1653, compares the street of Marlborough to Cheapside, and declares that "no braver wares were to be had or bought in London than in this famous town of Marlborough"—"at the upper end of the town stood a gallant building called the Town-hall, where the mayor sat to hold the sessions"—"in short, it was a town of very good orders and government." The articles consumed are specified as "brass and pewter, gold and silver melted, the value whereof could not be made known, silks, taffetas, wool," &c. The fire it appears was fatal to six individuals,—to a postboy, and a tailor's wife, also to four Dutchmen, who laboured hard to extinguish it, two of them being killed at the time, and the other two dying of their wounds shortly after. As for Francis Freeman, on whose premises it commenced, the writer regards him as especially in need of the exhortation to "take heed in time," as he had been recently guilty of the extravagant pretension of assuming the name of the Messiah. A copy of this rare pamphlet is in the possession of the Rev. Edw. Duke, of Lake House.

MEMORANDUM by the Council of State sitting at Whitehall, 18 May, 1653:—

"WHEREAS the Council hath been informed, as well by petition of the mayor and inhabitants of Marlborough, in the county of Wilts, as by certificate under the hands of several justices of peace in the said county, that upon Thursday, the 28th day of April, 1653, the LORD, whose judgments are unsearchable and his ways past finding out, in his overruling providence disposing, a fearful and most violent fire broke out almost at the lower end of the said town, which in the space of three or four hours burnt and destroyed all the considerable parts and body thereof, with one of the churches and the market-house, to the number of two hundred and twenty-four houses, the value whereof and goods consumed is estimated at three score and ten thousand pounds at the least, to the utter undoing of the greatest part of the said inhabitants, they not

having anything left for their future livelihood, and withal to supply the urgent necessities of their languishing families. The sense of this weighing deeply and seriously on the hearts of the Council, with tenderest bowels commiserating the much to be lamented condition of the said distressed inhabitants, they have thought themselves bound both in conscience and duty, as suffering and sympathizing with them in their great affliction, to recommend the same to the charity and benevolence of well-disposed persons, and upon this extraordinary occasion to appoint, as they do hereby, a collection to be made in the cities of London and Westminster, and in all other cities, counties, boroughs, towns corporate, and other principal places within England and Wales, as well within liberties as without, and within the town of Berwick-upon-Tweed, for the relief of the said inhabitants and for re-edifying of the said town, which is exceeding necessary and of great importance for commerce and trade; not doubting but that a business of this nature (so Christian, and of such concernment to so many ruined and desolate families) will find ready acceptance with all those who have anything of bowels and compassion in them, and that they will be easily provoked to such a cheerful and liberal contribution as shall be answerable to so great a loss. And it is hereby recommended to the lord mayor, aldermen, and common council of the city of London, that order may be given for a collection to be made throughout the said city and liberties thereof, in such manner as may be most effectual for the promoting of this work, and testify an affectionate resentment of the miseries of those who are in a perishing condition. And it is also recommended to the sheriffs and justices of peace of each county of England and Wales, to justices of peace of the city of Westminster, and to mayors, bailiffs, chief governors, and officers of all cities, boroughs, towns corporate, and other privileged places, to take care that these presents be dispersed through their respective jurisdictions whatsoever, as well within liberties as

without; and to give their best assistance that this collection be made therein in such a manner as may most tend to the promoting and advancement of this work. And whereas, for the better managing this work in all parts of the nation, for the best advantage of the said town and distressed inhabitants thereof, and that the contribution which shall be raised may be rightly disposed of and impartially distributed amongst those who have been sufferers in this great calamity, the Council have appointed Alderman Andrews, Alderman Tichbourn, Alderman Ireton, Colonel Owen Rowe, Mr. Edward Bushell, Mr. Maximilian Beard, Mr. Greensmith, Mr. Herring, Major Packer, Mr. Thomas Lamb, Mr. Richard Wollaston, Mr. Tempest Milner, Mr. Theophilus Riley, Major Waring, Mr. Ashurst, Mr. John Strange, Mr. Samuel Wilson, Mr. Robert Barrett, Mr. Anthony Dowce, Mr. John Price, Mr. William Kiffin, Mr. Abraham Babington, Major Banks, Captain Manton, Mr. Brandrith, Mr. Stephen Eyles, Mr. Lawrence Steel, Mr. W. Mayln, Captain Alderne, Cornet Coomby, to be a committee, to sit at Sadlers' Hall, in the said city of London, to take particular care for the carrying on of this business: wherefore the persons to whom it is recommended by these presents to take care of this collection in their several jurisdictions, are from time to time to correspond with the said committee, and to manage that business in such manner as the said committee shall upon all occasions advise and signify unto them.

18 May, 1653. Ordered by the Council of State that these presents be printed and published.

31 May, 1653. By the committee appointed for managing and ordering the collections for Marlborough, sitting at Sadlers' Hall, London.

Ordered, That a sufficient number of orders of the council

of state be sent to the high sheriff of every county in England and Wales; And that the high sheriff in every county, upon the receipt of the aforesaid orders, shall forthwith send or cause to be sent a convenient number of them unto the chief constable of each hundred, wapentake, or division, within the counties, according to the number of the parishes or chapels in their particular hundred or division. And the said constables are desired, and hereby required to send one of the said orders to the minister or churchwarden of each parish or chapel within their said hundred; and the ministers in their respective parishes are hereby desired and appointed, upon the next Lord's day after they have received the same, to give the people notice of the sad and distressed condition of the inhabitants of the town of Marlborough, with the greatness of their loss, the better to prepare them for a collection to be made the Lord's day following; at which time the congregation being assembled together, the ministers are hereby further desired and appointed to publish the order from the council, exhorting and stirring up unto a liberal contribution towards this charitable work. And the churchwardens of the several parishes in the country, with two other honest active men nominated by the minister and themselves, are hereby desired to gather the benevolence of well-disposed persons, or to take the subscriptions of the several inhabitants in the place where they are met together, and the week following to go from house to house for the collecting of it; or to manage it in such other way and manner as according to their discretion may be judged most effectually conducive to the promoting of so considerable a work. And in case it so fall out that any parish, being destitute of a minister, shall be without public assemblies, then the constables and churchwardens of the said parish are to go from house to house to gather and receive the charity of the inhabitants.

And for the better managing and improving of this business, it is hereby further ordered, that a convenient number

of the aforesaid orders be sent by the high sheriff as before, to the mayors, bailiffs, head officers, and chief magistrates of each city, borough, and town-corporate in England and Wales, unto whom it is particularly recommended and referred to take special care that the aforesaid order be published, to gather the bounty of the well-disposed people, and to set down in writing what shall be so given. And it is further desired that the advice of the lord mayor, aldermen, and common council be taken in what way it may be most effectually managed and carried on in the city of London and liberties thereof.

And it is further ordered, that what shall be thus collected, either at any of the public assemblies or from house to house, in counties, cities, boroughs, and towns-corporate, shall be by the ministers, churchwardens, and such in each parish as have assisted them in the collection, registered in the books of the respective parishes, and also set down in words at length on the back side of the said order, and subscribed with their names, and returned together with the order, namely that which shall be collected in cities, boroughs, and towns-corporate, unto the mayor, bailiff, or chief officer in those respective places, whose receiving of it, with their acquittance, shall be the discharge of such collectors; and that which shall be gathered in all other parishes within the several counties, to be returned together with the order as aforesaid, unto the chief constable of each respective hundred, whose receipt of it, with his acquittance, shall be likewise their discharge.

And it is further ordered that the particulars of money, together with the orders received by any mayor, bailiff, or other chief officer in any city, borough, and town-corporate; or by the chief constable of any hundred, be forthwith returned by them to the receiver-general for the monthly assessment in each particular county, whose receipt under his hand shall be their discharge. The receiver-general in each

particular county is hereby desired to make return of the said sums of money, together with the orders, unto Mr. John Strange and Mr. Robert Barret, or either of them, at the Rose and Pomegranate, in Friday Street, in London, who are appointed treasurers, and authorized for the receiving and paying forth of the same, according to the orders and directions of this committee, whose receipt under their hands, or either of them, shall be the discharge of every such receiver. And in case they cannot make return of the said sums of money, by bills of exchange or otherwise, they are desired to send word by letter unto the treasurers aforesaid, or either of them, what sums of money are received by them, that care may be taken for the transmitting of it.

It is also further ordered, that the money which shall be collected in the city of London and Westminster, the borough of Southwark, the late lines of communication, and the weekly bills of mortality, be brought in by the persons appointed for the collecting of it, unto the treasurers aforesaid appointed by the committee, whose receipt under their hands, or either of them, shall be the discharge of such collectors. And it is hereby also appointed, that the order of the council of state be sent unto all congregations that are not distinguished by parishes in any county, city, borough, or town-corporate within England and Wales; and their officers, or some of them, are hereby desired to exhort and stir up their respective congregations to this charitable work, and to receive their benevolence, endorsing the sums so given on the back side of the order, in words at length, and subscribing it with two or three of their names, and to return the said sum unto the receiver-general of the county as aforesaid, taking his receipt, that by him it may be returned to the treasurers in London.

Signed, in the name and by the order of the said committee, by

RICHARD WOLLASTON.

The following letter is copied from an original MS. preserved in the British Museum :—

“To Mr. Deputy Hill.

“I understand that the collection in London for Marlborough is to be speedily done. I am now here at Bath, so that I am prevented for acting and encouraging others to be liberal in their charity towards those poor distressed people, which I should most willingly have endeavoured to have done if I had been at home. Truly, sir, the lamentable desolations that are there made by that fearful fire, and so sad a sight that it would grieve any Christian’s heart to behold (if they had seen it as I have done). I lay one night in the town, and then gave the mayor £5 towards their loss, and had given before to one of my neighbours, Mr. Jones, who was making a collection amongst his acquaintance, twenty shillings for them. And I am willing to add more, forty shillings or three or four pounds, if you think fit to underwrite what you please for me; and you may let it be known that I have given £6 already, if you think it will induce any others to be the more liberal. I think it will be a month before I come home. If you please to take pains to promote the business, I believe it will be a work very acceptable to Almighty God. So, with the remembrance of my love very kindly to yourself and Mrs. Hill, I rest your very loving friend,

“From *Bath*, 4 June, 1653.

THOMAS VYNER.”

Addressed “To my very worthy friend Mr. Deputy Hill, at his house in Lime Street. Present these.”

Of the rapidity with which the town arose, phoenix-like, from its ashes, we derive an incidental proof from a passage occurring in the autobiography of Sir John Evelyn, who visited Marlborough in 1654, the year after the conflagration.

“9th June. Set out in a coach-and-six to visit my wife’s relations in Wiltshire. Dined at Marlborough, which having been lately fired, was now new-built. At one end of this town we saw the Lord Seymour’s house, but nothing observable

except the Mount, to which we ascended by windings for near half a mile. It seems to have been cast up by hand."

Notwithstanding the universality of this fire, no effectual measures, excepting the Act to prohibit the use of thatch, appear to have been taken to prevent the recurrence of a like calamity; such, for instance, as severing the High Street by cross streets, and instituting party walls. On the contrary, the houses even now have so much timber in them, and are so bonded each to other, that in case of another fire, attended by a strong wind, it would be very difficult to arrest the flames by pulling any of the old houses down; and blasting by gunpowder would be unavailing, as it would leave the skeletons standing. This evil is gradually diminishing, as fabrics of brick and stone occupy the places of timber-built houses.

Two or three bye-laws, it is true, were enacted, with a view to future security, as for instance the following. In 1670, all landlords were ordered to keep chimnies and fleys in reparation, where the tenants were too poor to execute the same; and in the same year, the antient provisions were enforced, which entailed upon the several wards the duty of preserving the wells and the necessary concomitants of tumbrils, buckets, ropes, chains, ward-ladders, and fire-crooks. But the Act of parliament to prevent thatching was not obtained till thirty-seven years after the great fire, nor before the inhabitants had been warned by repeated accidents of the same kind, as the following petition will exhibit.

Commons' Journals, 10th May, 1690. "A petition of the magistrates and other inhabitants of Marlborough was read, setting forth,—That the said town being very populous, and wherein are many great buildings, shops, inns, and other public houses, most part whereof were utterly consumed by a sudden fire in April, 1653, to the damage of £80,000; and in 1679, by another fire, was lost and burnt to the value of £600; and also in April last past, by a third fire, to the value of £2000 and upwards; which fires were occasioned, increased, and carried on by the erecting of several mat-houses and

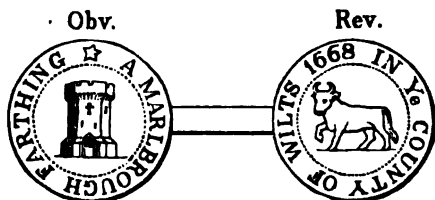
small cottages therein, and covering the same with thatch. And therefore praying that leave may be given to bring in a bill that all the owners of the land whereon the burnt houses stand may be compelled, at the rebuilding thereof, to cover them with slate or tile, and make an allowance to their tenants for so doing: and that all other persons, when they repair thatched houses, may in like manner re-cover them with slate or tile." The Act was obtained in the following November. A brief allusion to the fire of 1679 occurs in the Preshute parish register, to the following effect:—"29 Sept. Given to Marlborough, towards the loss by fire, £3 17s. 7d." [The same register records, about the same period, another donation towards a similar object, the rebuilding of St. Paul's Cathedral in London, £5 5s.] The town it appears was again set on fire about the year 1738, as we learn from a passage in the correspondence of Frances Countess of Hertford, who then resided here. Writing to the Countess of Pomfret, she observes, "I have within these three years seen Marlborough set on fire in three places at once, by a tempest of that kind [flashes of lightning], and having two horses killed, about two years ago, within 150 yards of the place where my daughter and myself were standing." It does not appear that any great injury was done on this occasion.

It was after the fire of 1653 that the present market-house was erected. It was constructed to be open at the basement, supported on thick rustic pillars, and having two rows of windows in each of the sloping sides of the roof. Near the close of the last century, the pitch of the roof was lowered and the windows removed, by which the character of the building was much degraded. There are two courts of justice upstairs, besides other offices.

TRADE AND COMMERCE IN THE SEVENTEENTH CENTURY.—During the reign of the Protector Oliver and his two successors, the practice commenced of tradesmen issuing their own

farthings and halfpence. The parliamentary rolls during previous reigns furnish frequent evidence of the inconvenience occasioned by the very limited currency of small coins; so that, in the language of the petitioners, it often happened that "the poor man lost his penny." Mr. J. Y. Akerman, who has printed a list of several of the Wiltshire tokens, suggests that there must have been some great manufactory of them either in London or Birmingham, as, with few exceptions, the style of their workmanship is the same, and the devices are in most instances perfectly uniform for the several trades. His description of those issued by Marlborough tradesmen embraces the following thirteen specimens:

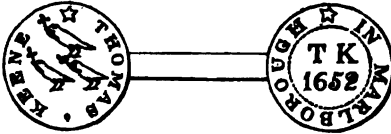
1. *Obverse.* A MARLBROUGH FARTHING, A Castle.
Reverse. IN THE COUNTY OF WILTS, 1668. An ox running, to the left.



2. *Obverse.* HENRY COLEMAN.
Reverse. IN MARLBOROUGH, 1657.
3. *Obverse.* WILLIAM CRABBE. Two small and one large cinquefoils. A half-length figure dipping candles.
Reverse. OF MARLBOROUGH, 1688. A large cinquefoil. In the field, W. M. C. and three large cinquefoils.
4. *Obverse.* JOHN HAMMOND OF. A cinquefoil. In the field a closed book with clasps.
Reverse. MARLBOROUGH. 66, and a cinquefoil pierced. In the field the letters I. K. H., five cinquefoils pierced, and three pellets.

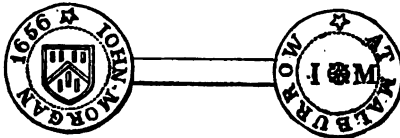
5. *Obverse.* THOMAS KEENE. In the field three birds, one and two, each with a branch in its beak.

Reverse. IN MARLBOROUGH. And a mullet. In the field T. K. divided by a diamond. Below, 1652.



6. *Obverse.* JOHN MORGAN. 1656, and a mullet. A shield charged with the grocers' arms.

Reverse. AT MALBURROW. A mullet and a pellet. In the field a cinquefoil between the letters I. M.



7. *Obverse.* JANE PEARCE.

8. *Obverse.* WILLIAM PUREUR. PIN. The mercers' arms.

Reverse. MAKER IN MARLBROW. In the field W. D. P. and three diamonds.

9. *Obverse.* RICHARD SHIPRE. And a mullet. A shield charged with the salters' arms.

Reverse. OF MOULBROUGH. A pellet and a mullet. In the field, a cinquefoil between the letters R. S.

10. *Obverse.* THOMAS SHIPERE. And a mullet. Full-faced bust of a queen.

Reverse. IN MARLBOROUGH. And a cinquefoil. In the field T. A. S.

11. *Obverse.* OLIVER SHRÏPSHIRE. And a mullet. An angel with clasped hands, standing full-faced.

Reverse. IN MARLBROUGH, 1665. And a mullet. In the field O. S. Two mullets pierced, and four pellets.

12. *Obverse.* JEREMIAH SLOPER. And a mullet. In the field, a sugar-loaf.

Reverse. IN MARLBOROUGH. And a mullet. In the field, the letters I. E. S. and two mullets.

13. *Obverse.* JOHN SMITH. IN. Two cinquefoils pierced and a mullet. In the field, two tobacco-pipes saltier-wise.

Reverse. MALBROUGH, 1665. And a mullet. In the field I. K. S. and three cinquefoils.

TOKENS ISSUED AT RAMSBURY.

1. *Obverse.* JOHN STON. OF. And a mullet. Full-faced half-length figure of a man dipping candles.

Reverse. RAMSBURY, 1653. And a mullet. In the field I. M. S. and three diamonds.

2. *Obverse.* WILLIAM WHITE. And two mullets. A shield.

Reverse. IN RAMSBURY. And three mullets. In the field W. R. W. two mullets and two pellets.

TOKENS ISSUED AT ALBOURN.

1. *Obverse.* JOHN ADEE OF ALBORN. And three diamonds. In the field, a cinquefoil between I. A.

Reverse. IN WILTSHIERE, 1656. Three rabbits feeding, two and one.

2. *Obverse.* RICHARD CLARK, IN. In the field, 1668.

Reverse. ALBORNE, WILTSHER. And a mullet. In the field R. E. C. and three diamonds.

From these and other contemporaneous intimations we gather that the trade of the town was at this period in a very flourishing condition. Some of Aubrey's gossip on its renowned cheese-market will not be out of place. He informs us that the article which was long in the fashionable ascendant, and known in London as the "Marlborough Cheese," was

only one inch in thickness; being so formed for the purpose of expeditious drying and rapid sale; that the London cheesemongers kept their factors at this town and also at Tetbury to secure a constant supply; but that about the year 1680 the taste of the public underwent a decided change in favour of thick Cheshire-like cheeses.

It has been suggested by Mr. Henry Moody, of Winchester, that many fairs and wakes having been originally connected with ecclesiastical foundations, the days for holding them will generally be found to accord with the anniversary of the tutelary saint; and this connection he has traced in several cases in this county. For instance, one of the churches of Marlborough is dedicated to St. Peter, and another to St. Mary. Now there is a fair on the Feast of St. Peter, old style, 10 July; and another on the Feast of the Assumption of the Blessed Virgin, sometimes styled "Lady-day in Harvest," old style, 22 August. Then again, the designation of the church at Ramsbury is "Holy Cross," and the fair is held on the Feast, old style, of the finding of the Holy Cross, 14 May.* The Feast of St. Ann, the mother of the Virgin, is 26 July; and the fair at St. Ann's hill is held on the Feast, old style, 6 August.

Wakes were sometimes held in churchyards, and this practice is recognized by Pope Gregory the Great, who sent the missionary Augustine to this country. The practice was at length forbidden in the reign of Henry VI, but it was not till the time of Charles I that the holding of fairs on Sundays was rendered illegal. That it had been of common occurrence in the days of Queen Elizabeth, is evidenced by the command in her Book of Common Prayer "that upon all fairs and common markets falling upon a Sunday, there should be no showing of any wares before the service of the church was done."

[The 10th July fair had so far died out in the year 1843, that but one horse was exhibited for sale, and one stall only was pitched. The hiring fair on the 14th October is termed the mop.]

* For account of "Jacky John's Fair" see first blank page.

A petition from Marlborough, in 1697, refers to a somewhat widely diffused manufacture of cloth in the town and neighbourhood. This, it is presumed, was mainly confined to serges, and was carried on in a manner totally distinct from the modern mill system; the artizans working principally at their own homes. Like other towns in the proximity of a forest, there is reason to think that the trades of cutlery and tanning also flourished for several centuries; besides a large commerce of a heterogeneous kind, resulting from the position of the town on the Great Western road to Bath. Another article of manufacture amongst the poor was that of bone-lace, so called from being wrought with the aid of bones; the crochet-work of the middle ages. In the time of Queen Mary, 1554, we read that "Sir Thomas Wyatt had on a shirt of mail, and on his head a fair hat of velvet, with broad bone-lace about it." (*Stowe's Annals*.) Lady Arundel, of Wardour Castle in Wilts, describing the destruction of the leaden conduits there by Sir Edward Hungerford's soldiers, says, "they cut up the pipe, and sold it, as these men's wives in North Wiltshire do bone-lace, at sixpence a yard." Mary Hurdle of Marlborough, in the time of Charles II, tells us, in her 'Memoirs,' that she was apprenticed by the chief magistrate to a maker of bone-lace for eight years, and after that period of servitude, she apprenticed herself for five years more." The petition referred to above is as follows:—

1697. Feb. 13. "A petition was sent up from the clothiers, the master of the common workhouse, and others engaged in the cloth manufacturing trade, for themselves and others living near the town, setting forth that many thousand poor people, for several years past, had been employed in the clothing trade hereabouts, besides 700 yearly in the workhouse. But now, by reason of the great discount of Bank bills, the petitioners could not receive the money due to them for their goods sold long since, for the want of which they were disabled from any longer carrying on their trades. And

praying the consideration of the House. Ordered to lie on the table."

CROMWELL'S CHARTER.

Cromwell having aided so effectually the rebuilding of the town, proceeded to remodel its constitution as a municipality, by granting a new charter (dated 2 May, 1657), by which the officers of the corporation were appointed to consist of a mayor, eight aldermen, a recorder, five justices of the peace, seven assistants, a town-clerk, two high-constables, five constables, two bailiffs, and two sergeants at mace. The following nominations were thereupon made.

Aldermen.—Thomas Hunt, William Blissett, Thomas Bayly, John Bayly, John Keynes, Thomas Munday, William Gough or Goffe, and Robert Clement, sworn.

Recorder.—Edward Carter, Esq., was named, but refused the office.

Justices.—Thomas Hunt, William Blissett, Thomas Bayly, John Bayly, and John Keynes (now mayor), sworn.

Assistants.—William Barnes, Henry Bayly, Richard Webb, Nathaniel Bayly, William Tarrant, William Raikes, and Samuel Bayly. Sworn.

Town-Clerk.—Clerk of the Peace and of the pleas of the court, William Barnes. Sworn.

High Constables.—Richard Webb and Nathaniel Bayly. Sworn.

Constables.—Philip Lawrence, Merrick Spender, Philip Chivers, William Lewes, Edward Randall. Sworn.

Bailiffs.—Thomas Keynton and Walter Parsons. Sworn.

Sergeants at the Mace.—George Blanchard and Stephen Southey. Sworn.

"24 May. At a common council holden this day, Edward Carter, Esq. having, ever since he was constituted recorder of this borough, by his Highness's charter of the 2d of May last,

altogether refused to take upon him the execution of the said employment, and desiring to be excused thereof, is now by his own consent voted to be removed from that office, which is ordered accordingly. And, immediately thereupon, James Hayes, Esq., is elected to be recorder of the said borough in the place of the said Edward Carter."

On the 23d Sept. following, in accordance with a provision, in Cromwell's charter, for appointing a deputy-mayor in case of sickness or absence, William Blissett, Esq., as the oldest alderman, was nominated to that office.

In 1657 occurs perhaps the first instance of electing to the common council an out-dweller, in the person of Thomas Lawrence, merchant of London, "to gratify, as it is declared, the several friendly respects afforded by him to this corporation," and his name is enrolled, it is added, "according to the antient custom of this borough!" The name of Thomas Lawrence does not occur in any of the subsequent lists of council or burgesses.

1658. 7 April. At a common council held this day (is the following entry): "Aldwin Williams, dyer, upon his motion desiring freely to exercise his said trade and profession within this borough, is upon his suit in that behalf made to the mayor and common council, admitted to be a freeman of this borough. And his fine for such his admission, he having not formerly inhabited within this borough, is assessed to five marks [£3 6s. 8d.], which is paid to the use of the chamber. And thereupon it is ordered that an instrument, for that purpose, be given him under the common seal of this borough, according to his Highness's charter in that behalf granted."

The court books of the borough appear to have been kept with great regularity from Michaelmas 1651, till 1659 inclusive. This comprises the period between the expulsion of the Stuarts and their restoration. In the first year the books record thirty-six suits as pending.

MAJOR WILDMAN'S ARREST, 1655.—The protector's rule was disturbed in the course of this year, by insurrection from two opposite quarters, the adherents of a pure commonwealth and the partizans of the house of Stuart. Major John Wildman (a name which becomes sufficiently conspicuous in Marlborough in after years) was the organ of the first, and John Penruddock, of Compton Chamberlain, in Wilts, proved the hero of the second. Wildman possessed great fluency as a writer, and was much employed in drawing up the manifestoes and grievances of his party. His talent for cabal had manifested itself as far back as the period of the agitations in 1647, when he was suspected of having entered into a plot with Lilburn for the assassination of Cromwell. So dangerous a person was of course not suffered to go unwatched, and as soon as the extent of the present insurrection was ascertained, a party of the horse stationed at Marlborough, under Major Butler or Boteler, was sent to apprehend him, at a place described as "Easton near Marlborough." It probably means the Easton near Pewsey. Coming into the house where he was, some of the troopers went quietly up-stairs, and the chamber-door being open, they entered and found him sitting at a table, leaning upon his elbow, and dictating to an amanuensis. Seizing both him, his papers, and his scribe, they found that he was in the very act of drawing a manifesto, bearing the following title: "The declaration of the free and well-affected people of England now in arms against the tyrant Oliver Cromwell." The MS., which was not quite completed, was forthwith transmitted for the perusal of the Protector, and at the same time several other seizures took place, Harrison, Lord Grey of Groby, Carew, and others. The despatch from the officer in command at Marlborough was as follows:—

"May it please your Highness. In pursuance of that command I this day received from you, I sent a party of horse to Easton, where they apprehended Major Wildman, and

according to your order I have sent him to Chepstow. At their coming into the house where he was, they found him and his man writing these enclosed papers, and some few arms they have also taken, which are here amongst us. I am your highness's dutiful and faithful servant,

Marlborough, 10 Feb. 1655.

NOEL BOTELER."

THE PENRUDDOCK RISING.—Though the agents in this insurrectionary struggle against Cromwell's government were residents principally in the south of Wilts and in Dorset, there is reason to suppose from the evidence of one of the witnesses, Mr. St. Loe, that it was first designed to break out, not at Salisbury but at Marlborough, and some weeks earlier than it really transpired. This resolution must have been built upon the confident expectation that Lord Hertford and his brother, Lord Seymour, of Marlborough, were ready to take part in any royalist movement how desperate soever; a very mistaken notion; for though there is little doubt that Hertford was in correspondence with Penruddock, his natural caution and more advanced age induced him to remain quiet till the ill-managed plot at Salisbury had exploded. Marlborough appears to have had a troop of Cromwell's horse stationed in it, and the plan of the royalists was for twelve men to enter the town concealed in a cart, and getting into the inns, to seize all the horses. Mack the apothecary (who figured in the Salisbury rising) was to have the principal management of the affair. Penruddock, Grove, and other Wiltshire partizans were then to fall on the soldiery and carry the town. This mode of opening the campaign would certainly have borne a more chivalrous aspect than did the capturing and bullying the venerable judges of assize; but the project, it seems, came to nothing, owing to the strong guard and look-out maintained by the cavalry in Marlborough. The witness stated that Penruddock had told him there was no doubt the Marquis of Hertford was engaged, for that the

Lady Phillips [at whose house in Salisbury the conspirators met] had told him so.

When at length the sword was drawn, the cavalry-troop above mentioned must have quitted this town to join in the pursuit. So at least we may presume, for in the following February another regiment was ordered here from Bristol, under the command of Colonel William Boteler, who seems not to have been acquainted with the county. A few extracts from his communications with head-quarters will supply all the additional circumstances here transpiring. Writing to Cromwell from Bristol, on the 26th of February, he says that he will be marching to Marlborough on the morrow, whither also he had sent forward Mr. Stradling, of Chedzoy, for examination. "The Thistlethwaites, I understand, live in Wiltshire. I shall know where when I come to Marlborough I shall send Stradling up to Whitehall: he is a poor but most desperate gentleman." Two days later, he tells the Protector that he was ten miles on his march towards Marlborough, when he received his Highness's letter, obliging him to go back and demolish the castle of Bristol. His next letter, directed to Secretary Thurloe, is dated from this town, and recounts the capture of a person the most unlikely to engage in such a plot,—a gentleman, in short, whose name will hereafter occur as associated with the ejected ministers for their protection during the persecutions of Charles II. "I have this night sent a party to apprehend Sir Seymour Pyle, who, by the confession of a prisoner I have here, was at their first rendezvous with Sir Harry Moore, Mr. Mason, and Charles Lucas, and others. I have had a high suspicion of him these five or six days, and have at length found my gentleman really guilty, as you may see by this copy of the information I have sent up. He was so cunning as to be at church both noons on the Sunday, and went not out [of his house] till about the evening, and met Mr. Mason and others about ten in the night. . . . I intend to send or take him

to Salisbury, and there commit him to his partners, that he may share in their punishment as well as in their sin.

WILLIAM BOTELEB."

Marlborough, 28 March, 1655,
at 10 at night.

The information alluded to was furnished by one William Palmer, of Hungerford, who stated that at ten at night he distinctly saw at Bottles Hill, a spot three or four miles from Hungerford, Sir Seymour Pyle, Mr. Mason, Mr. Dean, and Thomas Curr and others, in all ten or twelve, all of whom he knew. Writing three days later, Colonel Boteler reverses his judgment thus :—

"Honoured Sir,—Notwithstanding the information I had against Sir Seymour Pyle, and the confidence of the prisoner to witness the same to his face, yet I think it will prove utterly false. I have examined several credible persons, who affirm and are ready to make oath that Sir Seymour was in bed at that very hour, and stirred not out of his house farther than to church the day before. . . . The prisoners said to be at the rendezvous with Sir Seymour, deny that they saw him, or heard of his being there; and I now fear the ground of my information was hopes of liberty to the informant thereupon. Yet I have taken good bail for Sir Seymour's forthcoming. . . .

W. BOTELEB."

Marlborough, 31 March, 1655,
10 at night.

The principal leaders of the insurrection having suffered capital punishment, the next act of the Protector was to compel such of the royalists, as he knew to be implacable, to contribute towards the expense of that standing army which their machinations rendered necessary. The persons nominated to direct the Wilts assessment were John Dove, Humphrey Eyre, Nicholas Green, Edward Scotton, Isaac Burgess, Thomas Eyre, James Hely, William Ludlow, J. Reade, Richard Hill, John Houlton, and William Blisset. 7 Dec., 1655.

The Seymours of Marlborough, both father and son, made early application to Cromwell for exemption from taxation, and with such success, that he wrote to the commissioners to stay any proceedings against them. With this injunction the commissioners were of course compelled to comply, though feeling, as some of them expressed themselves, "very unsatisfied" with the grounds of exemption. Disbrowe, who acted as major-general of this district of England during the assessment, could not forbear placing the matter once more before the Protector in the following letter, wherein he appears much less satisfied than Cromwell with Seymour's profession of peace :—

"May it please your Highness,—I have received your letter in reference to Lord Seymour, and perused his to your Highness, wherein I find no more than any cavalier in the west of England shall pretend for himself. I must confess I should be glad of a real change; but I humbly conceive that without some public declaration made by him to the world, of alteration of his spirit and principles, and of his real engagement to the present government, it will but open the door and give occasion to the enemy to cry out of our partiality, especially if favour and respect be shown to him, and denied to others who will do as much, if not more, than he hath done. If his spirit be such that he can cordially close with the people of God, as Captain Burgess seems to hold forth, he will not be ashamed to disown that interest wherein he formerly engaged; and, for the satisfaction of friends, manifest his integrity to the public. However, for the present, the commissioners, understanding your Highness's pleasure, seem willing to let him alone until they ascertain whether there be any difference betwixt him and his former practices. Yesterday, we proceeded to the taxing seven or eight of this county, amongst whom, Sir James Thynn, who was at first a little averse, and did plead as much innocency as my Lord Seymour hath done; but at last, having no refuge, was constrained to comply. . . . I intend for

Blandford, and so to Marlborough, where there are twenty more to be summoned.

JOHN DISBROWE."

Sarum, 18 Dec., 1655.

A second appeal was made to the Protector by two of the commissioners, Houlton and Hely, against young Mr. Seymour, urging that there could be no sufficient reason for leniency to one who had formerly acted as an assessor in Wilts for the King's party; and begging to know if he and one Mr. Yorke should be referred to a trial before the commissioners. Whatever was the final decision at head-quarters, the subsequent conduct of the Seymours justified the course at first pursued towards them by Cromwell, whose sagacity readily discovered that their loyalty was not cast in the desperate mould of a Penruddock, nor tainted with the impiety of a Goring.

Disbrowe having reached Marlborough, writes to Thurloe, 22 Dec., proposing that Robert Hippeley should be pricked for sheriff instead of Colonel Dove, unless matters were too far gone.

The Captain Isaac Burgess mentioned above was sheriff for Wilts in 1658; and was brother to Daniel Burgess, the celebrated divine of Marlborough, and uncle to the still more conspicuous preacher of the same name, whose career will claim our attention in due place. The year of his shrievalty being also the period of Richard Cromwell's accession to the Protectorate, Captain Burgess headed the congratulatory address made from the county of Wilts, which, it is stated, was presented by the high sheriff with other gentlemen and ministers, and "divers of Marlborough."

WILLIAM HOULBROOK, the Marlborough blacksmith.

During the interval occurring between the Protector Richard's displacement and the return of the King, a short but desperate effort was made by a handful of republican officers to recover the supreme power, and to keep down the

rising hopes of the royalists. The lawless espionage practised with this view, by selecting as one of its victims a loquacious artizan of the "village politician" stamp, has served to memorialize a character otherwise undeserving of notice; but as it must be confessed that his narrative is lively and graphic, and highly illustrative of the state of opinion in the country at this juncture, a considerable portion of it is well worth reciting. It is entitled, 'The genuine and faithful account of the sufferings of William Houlbrook, blacksmith, of Marlborough, in the reign of Charles II, showing the artifices and treacherous insinuations of Cornet Joyce, Tynn, and others of that horrid crew; how he was ensnared into all the dangers and difficulties those regicides could invent; together with his commitment to Newgate, where he was inhumanly treated and loaded with irons; and his several examinations before Bradshaw and his execrable companions. Written by himself.' The frontispiece, which represents the hero of the tale toiling at his own vocation, is further decorated by the blacksmith's arms, and the motto, "By hammer and hand all arts do stand."

The persons principally suspected in this neighbourhood, other than Lord Seymour of the castle, and his brother the Marquis of Hertford, were Captain Isaac Burgess, sheriff of Wilts (and brother to Daniel Burgess); Adoniram Byfield, rector of Collingbourn Ducis; Dr. Humphrey Chambers, of Pewsey; Nicholas Proffet, minister of St. Peter's, Marlborough; Bartholomew Webb, minister of St. Andrew's, Ogbourn; Colonel Popham, of Littlecot; Thomas Bayly, whose name occurs at the time of the great fire, or perhaps he was the clergyman of Mildenhall; Mr. Clark, of Marlborough; Mr. Rashley or Rachley, keeper of the White Hart; Mr. West, minister of Ogbourn; Mr. Hunt, of Wick, near Marlborough; Mr. Galloway, of Wick; Mr. Hunt, of Collingbourn; Mr. Bond, of Ogbourn; Sir Walter St. John, of Lediard Tregose; and Sir John Glanville, of Broad Hinton:

and, what is worthy of remark, many of these were Presbyterian ministers, who had nothing to gain by the return of royalty, but, like many others who had been favourable to Cromwell's government, they had no faith in either the stability or legality of the party now exercising a brief authority. We may further gather from the blacksmith's tale, that up till a very few weeks before the Restoration, any movement in favour of the exiled King was regarded as a very desperate game. There was a general impression at the time of the Restoration, nor would it be easy to disprove it now, that the King's return was mainly brought about by the acquiescence of the Presbyterian leaders. In the summer of 1659, Sir George Booth (afterwards Lord Delamere) effected a rising in Cheshire, and a few royalists appeared in arms near Malmesbury, in Wilts; but the rapidity with which they were crushed, abundantly testified how small was the sympathy which the royalists by themselves could yet challenge. In the language of Hallam, "the shade of Cromwell seemed to hover over and protect the wreck of his greatness."

About the time of Booth's rising, which was also the era of our smith's claim to canonization, the famous William Prynne (now turned conservative), having roasted the Rump in a pamphlet styled 'The good old cause,' was riding jogtrot into Marlborough on his way towards Bath, for which city he was soon afterwards returned to the healing parliament. (He was, it should be borne in mind, related by marriage to the Seymours of Marlborough.) Alighting at the Bear, the news of his arrival was not long in reaching the smith, who, entertaining an extreme admiration of his book, could not forbear offering his personal homage to the writer, who thereupon had him in to drink a health to the King *over the water*; nor is it at all certain that he did not there and then constitute the smith a recognized agent for the neighbourhood, the occupation of the latter being one which brought him into frequent contact with the gentry and their retainers. Another

person who called to pay his respects to Prynne is described as Mr. Clark of Marlborough.

On the 28th July, 1659, Cornet Joyce (the same who had conducted the late King from Holmby), Cornet Smale, Quarter-master Tynne, Mr. Waldron, and Corporal Carter, came to Marlborough with about twenty soldiers, whom they quartered at the George, at the town's-end; Joyce and his confederates, the better to disguise their intentions, going into the town, and distributing themselves at the White Hart and Angel. William Houlbrook being sent for to shoe Cornet Smale's horse, some of the officers asked him the news in Marlborough. William had just returned from the Salisbury assizes, so he pleaded ignorance. What news then at Salisbury? Great complaints of bad trading and heavy taxes, and the poor ready to famish. The officers observed, Well, the Rump would soon be turned out. Quarter-master Tynne said they had cheated him out of a good estate, and Waldron of £40. Asked him what he thought of Captain Burgess and Mr. Thomas Bayly, but the smith was at present on his guard.

Next morning, Joyce, in the character of a farmer, required the smith's professional services at the White Hart; and having paid him more than the accustomed fee, they both went in to drink it out. "Come, honest smith, here's a health to the King," said Joyce, as soon as they were alone, at the same moment throwing his hat under the board, a challenge to which the smith replied by a corresponding gesture; "dost know that in a fortnight there is to be a rendezvous of 10,000 men for the King in the Forest of Dean; £50,000 have been sent down to the West by a friend of mine, and 10,000 cases of pistols to carry on my master's interest." Here the speaker drew forth and exhibited to the smith a commission signed "Charles Rex." "Dost know," he added, "of any who have given money or horses to carry on our master's interest? What think you of Lord Seymour and Lord Hertford? In the ensuing conversation the plan of stealing horses was

debated, and the necessity of first gaining the cooperation of Lord Seymour. Houlbrook hesitated. Seymour no doubt was a gallant, noble, and worthy person, but he was now living very privately; both himself and his brother the Marquis having, as he expressed it, been so pulled and baited up and down, that it was clear they had but small stomach to meddle any more in such matters unless they saw a fair opportunity. The smith also declined the office of delivering four letters addressed to Hertford, to Seymour, to the High Sheriff, and to Mr. Webb of Ogbourn, alleging that the morrow, Saturday, being market, his time would be occupied. Of Adoniram Byfield, Nicholas Proffet, and Dr. Chambers, his opinion was that they were honest, true hearts, who would be glad to see better times; that Mr. Thomas Bayly, where their meetings for discussion were held, was an honest, loyal heart; Bayly had no horses, but Byfield had two, and would doubtless let him have one. Referring to the Presbyterians, Joyce inquired, "But dost thou think we can trust them?" "Pray, sir, do not doubt them; some, indeed, were not right, but others have had such dirt cast in their faces by Quakers, Anabaptists, and fanatics, that they will prize a good King when it is the will of Heaven to send one."

On leaving the inn, William begged the chamberlains [waiters] not to compromise the gentleman by revealing what they might have overheard; to which they agreed; though such a precaution was hardly necessary at the White Hart, the royalists' resort.

Further commissions from his new friends demanding his attendance, he was sallying forth the next morning, when arrested by the anxious voice of his more sagacious mother, who, on learning that his errand was still to the George, "Ah William," she exclaimed, "to the George to shoeing, to the George to undoing, I fear." And her prediction was speedily to be verified; for Joyce, concluding that he should be doing good service to his employers by despatching to London so

garrulous an informant, had already laid his measures for entrapping the victim. The shoeing being over, William's earnings were soon spent in cans of beer among the troopers ; and, though he relates with sufficient perspicuity the materials of their discourse, it seems clear from the ease with which his capture was accomplished, that he had first lost the mastery over himself. " You have but sorry nags," he took the liberty of observing to his friends : they replied, " We have better horses when occasion serves." " So you had need, for the Rump soldiers have good ones. If they should take you, you would be utterly ruined. May Heaven preserve you. If I could gain a good horse, I would not be long behind you, to act for a cause which Heaven owns as it doth this." . . . " Time may come, honest smith, when you get a horse to your heart's desire." One of the speakers, named James Brown, was a quondam acquaintance of the smith, and had in former days served in the royal army ; he was now to act as the decoy duck. " Honest William," said he, " do me a courtesy." . . . " What is it, honest James?" . . . " Only to go to the end of the village * to witness the receipt of some money." To this no objection was made ; but when they were gone sufficiently beyond observation, and arrived, as we may suppose, at the quarters of the rest of the troop, one of them comes trotting up behind, together with a led horse, which he forthwith directed honest William to mount. The latter at once perceiving his position, drew out a case of knives, which honest James instantly wrenched from his grasp, and having broken one across his knee, and handed the other up to Joyce, he inflicted on his friend the further indignity of searching his pockets, and extracting therefrom a pasquinade, entitled ' An Address from the Devil to the Rump,' a Dutch print representing Oliver^x with an owl perched on his shoulder, and the sum of one shilling. William was then mounted on a broken-

* In an institution to the rectory of Devizes, dated 1648, that town is in like manner termed a village. (*Lords' Journals*.)

print represents Oliver in a hat with horns, and a bird perched on the crown of the hat; he has spectacles bow down on his nose and a pipe in his mouth. The owl has horns also.

down jade, and his legs being tied under the horse's belly, a service which he takes care to tell us was performed by John Forty, of Hungerford, the party started for their long ride to Newbury, adopting a route towards Shalbourn, through bye-ways and woods to avoid recognition. By break of day they reached Newbury, where the prisoner's legs were released. During the night journey his horse had fallen twice, and had the animal rolled, the rider's limbs might hardly have escaped fracture. The rest of the journey was performed in a public conveyance.

Arrived in London, and being led before a council where sat Bradshaw, Disbrowe, and Sir Henry Vane, he was again examined respecting Captain Burgess, of Marlborough; why he had been appointed ranger of the Marquis of Hertford's forest, &c. ? The smith could give no reason other than Mr. Burgess being a man of power, and the common lying open, and many offenders living thereabout, he had been put in to strike terror. "Is that all, dost think?" said Disbrowe, "didst ever hear of any design he carried on with the Lord Marquis?" "No, indeed, my lord." "But thou knowest, honest smith, one good turn deserves another." "True, and if you were to let me have my liberty I should pray for you." "What think you of the Presbyterians?" "Some of them may be better trusted than some persons you put trust in; they that engage to be true to all governments will never be true to you;" and to illustrate this theory, the smith here proceeded to entertain his audience with a few passages selected from sacred and profane history. The humour of the scene must have been considerably heightened by the burly Disbrowe's turning, at this juncture, to the clerks, and asking what it was they were scribbling down at such a rate; when, learning that this long discourse on government was being placed on record, he vociferated, "Strike it out, strike it out, we shall have another Speed's Chronicle."

During the next day, "a blind certificate" having arrived

from Marlborough, on behalf of the prisoner, procured by his weeping mother, stating that he was only a blacksmith, and that his parish would be put to great charges by his imprisonment, &c. Bradshaw perused it, and exclaimed, "Only a blacksmith! well, but a blacksmith may carry on the interest of Charles Stuart—charge!—what do we care for your charge to the parish?" Whitlocke then signed his commitment to Newgate, where he lay in filthy plight, the meanest comforts having to be bought with money; but he found a friend in Mr. Samuel Proffet (a relative we may presume of Mr. Nicholas Proffet, of Marlborough), who brought him cordial waters and syrups.

On the following day he was carried to the council in a coach, the hire of which he had to pay. He was asked if he had not delivered letters from Mr. Prynne to divers persons in Wilts, as for instance to the Lord Marquis, to Lord Seymour, to the high sheriff, to Colonel Popham, to Dr. Chambers, and to Messrs. Byfield, Proffet, Webb, and Thomas Bayly? Stunned by such accumulated charges, the smith could only reply, "Truly, my lord, unless this Joyce had been with the devil for advice, I see not how a man could invent such forgeries." "How, my merry blade," said his examiner, "will you be hanged, drawn, and quartered? what are the meetings at Mr. Bayly's for?" "To pray for a blessing on your endeavours, if you act for God, my lord." "Come, you are a winding blade; what horse was it the Duke of Buckingham bought at your town? why did he go to such a price?" "Because such belong to dukes and earls." "Do you know whether Mr. Woodbridge, of Newbury, and Mr. Fowler, of Reading, do carry on any interest for Charles Stuart?" "No." "Why did you go to Bath?" "I went to receive some money due." "And you carried no letters for Mr. Pierce or Mr. Harrington? Well, my merry blade, you shall have fair play, but do not play with the halter." "Fair play, my lord, is for a man to be tried by the common law, when

my evidence may be tried as well as yours. This is every Englishman's privilege; that if he be an emperor, he may be tried by twelve emperors, every king by twelve kings, and I by twelve persons, according to my degree." This was designed as a hit at the tribunal which had sentenced the late King.

Upon his proposing to send down to Marlborough to vindicate his character, Disbrowe observed, "That there were but three honest men in the place, whom, the smith venturing to ask their names, he stated to be Hughes, Kaynes, and Blisset; but I fear, he added, Mr. Blisset is poisoned by drinking too deeply of the Presbyterian cup." "I will send down to those three, my lord." Bradshaw, turning to the keeper, said, "Keep pens and ink from him; there are persons in the country have been writing to him to conceal their names. There is Mr. Carter, of Marlborough, has left off his pleading, to act against us, and you know it well, my merry blade."

On his way back to Newgate, the prisoner recognised, and appealed to, Mr. John Dove, of Salisbury, but experienced, according to his own account, a most uncourteous repulse; though it is likely enough that this family was in favour with the Rump, since it appears that Francis Dove had only the week before been nominated one of the commissioners for regulating the Wilts militia. But his application to the "three honest men" of Marlborough had a different result. Mr. Hughes, he asserts, acted for him as though he had been his own son. So did Mr. Blisset. Others who interested themselves in his behalf were, Major Goffe, of Marlborough, Lord Fleetwood, Lord Strickland, and Mr. Booth, of Ironmonger Lane, who had married a daughter of Mr. Nicholas Proffet. Joyce had induced one Thomas Goddard, of Marlborough, to put his mark to a paper, purporting that the smith knew what arms the Lord Herbert, of Badminton, had recently carried down in his coach towards the West; but the smith makes it appear that Goddard could neither read

nor write, and confessed that he knew nothing about it. Another performance of Joyce, when left at Marlborough, was to enact a feigned surrender to Quarter-master Tynne; the latter pretending to seize him at the White Hart, when Joyce cried out that he was undone, for a roundhead had captured him, and desired the servants to rescue him; but they, as well as their landlord, no doubt, knew their man, and therefore declined taking part in the farce. To return to the prisoner.

Two other examinations furnish the following details: "What is Rachley? [of the White Hart]. Doth not he carry on the interest of Charles Stuart?" "Not as I know of." "Well, but he entertains Charles's friends?" "His is a house of entertainment; he must not turn people out of doors unless they act against you, my lord." "He is a notable youth; he was one of Lord Cottington's stewards." "What if he were, my lord, so long as he acts nothing against you." The smith's ready replies, not untinged with humour, frequently made the council smile, but they had now heard quite enough, and were becoming anxious to be rid of him; but demanding, *pro forma*, the guarantee of bail, he astonished them by offering Lord Strickland and another Lord; then, moderating his pretensions, he made choice of a major and a captain; but the council assuring him that meaner persons would serve, he finally agreed to be represented by a cook and a coachman; and having signed a declaration to keep the peace towards the powers that be, and returned to Newgate to pay his fees, he rode home in the coach of Squire Rich of Sunning. A few months beheld the restoration of monarchy and the destruction of the blacksmith's enemies. He could now, like many others of nobler name, exult with unbridled impunity over those enemies' mangled remains; and in sending forth his small note of triumph, utter the surpassing climax:—

"That now he lived in Marlborough town,
And was a man of some renown."

We may be sure, also, that he never afterwards lacked a job at the castle stables, though it is to be feared that his propensity to drink must have been under the perpetual influence of all-mastering temptation, when high and low throughout the land were making it a virtue to drown in debauchery and flowing cups the recollection of a puritan dynasty. From this charge we beg to except the family at the castle, whose sober deportment and domestic habits shunned the contagion of the Court; so long at least as the old Lord Seymour survived. He lived only four years after the restoration of his royal master, his only son and successor, we may presume, occupying the mansion conjointly with himself; for numerous entries of the births and christenings of the children of Mr. Charles Seymour about this time are to be seen in the parish registers both of St. Peter's and of Preshute, (the house standing in both parishes, though by far the larger part is in Preshute).

A volume of prayers and meditations by Francis, the first Lord Seymour, Baron of Trowbridge, was in B. H. Bright's collection of MSS., sold by Mr. Sotheby, 18 June, 1844, lot 238. This volume was in his lordship's own handwriting. There is another copy in the British Museum Library, written by his daughter Frances (wife of Sir William Ducie, of Tortworth, county of Gloucester, K.B., afterwards created Viscount Downe in Ireland). The first page states that she "began entering 3 May, 1655." The meditations are arranged alphabetically, being headed thus, 'Afflictions, Anger, Account to be made, the Body, True Content, Charity, Covetousness, Evil Company, Despair, Death,' &c. Then follow Prayers for the Morning and Evening, and for the Right receiving of the Sacrament, with the following preface, "The prayers entered at Charlton in Kent, 15 March, 1699, out of my mother's book, lent me by her favour." The last portion is, "My dear father's tract on Usury, given to my dear husband, and by my dear given me to write out, 31st May; and began to enter it the next day, being Holy Thursday, 1 June, 1671, adjoining it to

his meditations and prayers, as follows over the leaf." The final entry, in the neat and upright hand of another person, states, "This is my lady Downe's own handwriting in this book: And now it is my book—Ka. Blaake."

In the above memorial of his sentiments, Lord Seymour's hostility to the money-lender is very decidedly pronounced. He had himself probably suffered from this class during the troubles, having mortgaged at least a portion of his lands to Sir Gervase Elwes, ancestor of the notorious miser. "Usury and charity," he observes, "are opposite one to another. The usurer hath so much of self-love as he hath no mercy for the poor nor kindness for his friend." The 'Meditations' indicate a devout and forgiving spirit. The writer, it may be, penned them in the close of life, when affliction and reverses had softened his spirit, and the fortune of war restored him to his beloved seclusion. Bearing, like honest Dogberry, the proud position of one who "hath had losses," his lessons of wisdom are justified by his final share in the fate of the losing party; and exercising the added virtue of rightly estimating what was good in his enemies' creed, he writes in language which, though somewhat below the intellectual standard of the age of Milton, would not readily be detected as that of a cavalier.

Lord Seymour married twice, first, Frances, daughter of Sir Gilbert Prynne, of Allington, co. of Wilts; secondly, Elizabeth, daughter of William Lord Allington, of Horseheath. This lady was the mother of his heir. His death, which occurred in 1664, is unaccountably omitted both in St. Peter's and in Preshute register; but that of his son and successor, Charles, the second Baron Seymour of Trowbridge, occurs in the Preshute register, 25 Aug. 1665. This nobleman was buried in Trowbridge church, 7th Sept., and appears to have been the only one of his family there interred; for, on accidentally opening his vault some few years since, one only coffin, which was of lead, was there discovered. "In Sir R. C. Hoare's

modern Wilts, Hundred of Merc. p. 136, it is stated that both Francis and Charles, Lords Seymour of Trowbridge, were buried at Great Bedwyn; but Charles was undoubtedly interred at Trowbridge, and the Bedwyn register is so perfect, at the time of Francis's death, in 1664, that it may be safely inferred that he neither was buried there." (*Collectanea Top. et Gen.*)

Francis, the third baron, held the title for ten years, viz. till 1675, when he succeeded to the dukedom of Somerset on the failure of issue by his cousin, John, the ^{fourth} duke. As he was only eight years old at his father's death, it is presumed he continued to live at the castle under the protection of his mother. It may also have been his nominal residence for the three short years during which he enjoyed his new title, for he was buried at Great Bedwyn, though he died in Italy. Wolf-Hall, which had in former times been the Wiltshire residence of the dukes of Somerset, was in Great Bedwyn, and this may account for his interment in that parish; but the old house had been pulled down about 1662, soon after which their house in Tottenham park was commenced; but these estates had already become the property of Elizabeth the sister and co-heir of William the ^{third} ~~fourth~~ duke, who conveyed them by marriage to the second Earl of Ailesbury in 1676. Marlborough Castle, therefore, which was Lord Seymour's own property, would hardly be abandoned for any other house which Great Bedwyn could at that time furnish.

This young nobleman, travelling in Italy, was, in an unlucky moment, found in company with a party of French gentlemen, who affronted certain ladies of the family of Botti, in a church of the Augustinians, at Lerice, near Genoa. Though the duke was not the offending party, he suffered the penalty incurred. Horatio Botti, the enraged husband of one of the ladies, watching his opportunity, shot the duke dead at the door of his inn. His uncle, Mr. Hildebrand Allington, afterwards Lord Allington, demanded satisfaction of the State; to

which the State responded by offering a reward for the seizure of the assassin, and then hanging him *in effigy*. The duke was unmarried at the time of his death, and only twenty years of age. His title and estates descended to his brother Charles, then eighteen years old.

This Charles, who was reckoned as the ^{sixth} ~~seventh~~ duke of Somerset, and is commonly known as "The proud duke," married first Elizabeth, daughter and heir of Joceline Percy, eleventh Earl of Northumberland; the lady whose wealth was the occasion of the tragedy commemorated in marble in Westminster Abbey, on the tomb of Thomas Thynne, Esq., of Longleat, who was shot in his coach in Pall Mall, at the instance of Count Koningsmark. He married, secondly, Charlotte,⁴ daughter of Daniel Finch, Earl of Winchelsea. The duke enjoyed his honours long, living till the age of eighty-seven; and assisting at the funeral of Charles II, and at the coronation of five of his successors. Characteristic anecdotes of his domestic life are well known, and may be seen in several of the peerages. He appears to have relinquished Marlborough Castle as a residence, in favour of his eldest son, Algernon, whom we shall have to notice at a future date.

In 1663 King Charles, in company with his Queen, and his brother the Duke of York, made a western progress, and was sumptuously entertained at Marlborough, by Lord Seymour; and at Longleat, by Sir James Thynne. It was during his Majesty's stay at Lord Seymour's that Aubrey was summoned to a personal interview with royalty; and permitted to play the Cicerone in the delightful region of local antiquities, an event which of itself must have been almost sufficient to enlist his sympathies for ever after in that unprofitable but fascinating pursuit. He thus relates the affair. "King Charles II, discoursing one morning, with my Lord Brouncker and Dr. Charlton, concerning Stonehenge, they told his Majesty what they had heard me say concerning

⁴ Charlotte, Dowager of Somerset was buried in this Wick Church, 30 Jan^y 1773. She had resided at Sutton Court in that parish.

Avebury, that it did as much excel Stonehenge as a cathedral doth a parish church. His Majesty admired [wondered] that none of our chorographers had taken notice of it, and commanded Dr. Charlton to bring me to him the next morning. I brought with me a draft of it, done by memory only, but well enough resembling it, with which his Majesty was pleased; gave me his hand to kiss, and commanded me to wait upon him at Marlborough when he went to Bath with his Queen, which was about a fortnight after, which I did; and the next day, when the Court were on their journey, his Majesty left the Queen, and diverted to Avebury, with the view whereof he, and His Royal Highness the Duke of York, were very well pleased. His Majesty then commanded me to write a description of it, and present it to him; and the Duke of York commanded me to give an account of the old camps and barrows on the plain. As his Majesty departed from Avebury to overtake the Queen, he cast his eye on Silbury Hill, about a mile off, which he had the curiosity to see, and walked up to the top of it, with the Duke of York; Dr. Charlton and I attending them. They went to Laycock to dinner, and that evening to Bath, all the gentry and commonalty of those parts waiting on them with great acclamations of joy." (*Mon. Brit.*)

Dr. Stukeley, writing in 1743 on this same subject, says, "Some old people remember Charles II, the Duke of York, and the Duke of Monmouth, riding up Silbury Hill." The reference is probably to one and the same event as that recorded by Aubrey, though slightly distorted by tradition.

1660. In his investigations into the county history of Wilts, John Aubrey found a coadjutor in Jeffrey Daniell, of St. Margarets, Marlborough, M. P. for the borough. His journal, under the above date, has the following entry, evincing his enthusiasm for his favourite pursuit, at a moment when most men's thoughts were turned towards the approaching Restoration, "At a meeting of gentlemen at the

Devizes, for choosing of knights of the shire, in March, 1659, it was wished by some that this county, wherein are many observable antiquities, were surveyed, in imitation of Mr. Dugdale's Illustration of Warwickshire. But it being too great a task for one man, Mr. William Yorke, councillor-at-law and a lover of this kind of learning, advised to have the labour divided; he himself would undertake the middle division; I would undertake the north; Thomas Gore, Esq., Jeffrey Daniell, Esq., and Sir John Ernley, would be assistants." In pursuance of this scheme, Aubrey, as is well known, made large collections in his own department, which have been partly printed by Sir Thomas Phillipps, and by the Wiltshire Topographical Society. Few of the other parties named cared for so unprofitable a pursuit. Mr. Daniell appears to have exhibited some interest in his own locality, for reference is made by Aubrey to certain drawings of the "ruins of Old Cunetium," in the possession of Jeffrey Daniell and Mr. Gilmore. In describing Mildenhall church, Aubrey informs us, that all the old glass in the windows had been spoiled in the late wars. On the south wall inside was still to be seen an escutcheon of the Marquis of Hertford; also the arms of the Hungerfords, Woodlands, in this parish, belonging to that family. A monument to William Jones, Esq., was dated 1610. In the south aisle was the following inscription:

Iuste judicat! veniemus omnes ad judicium.

All this kind of study, in Aubrey, was innocent enough; nor is he to be blamed for courting the society of the titled and wealthy, where his stores of family history must always have rendered him an agreeable guest; but there is the grave charge against him of seeking to ingratiate himself with the dominant party by propagating a slanderous calumny against the ripest scholar of his age—uttered, likely enough, when his gossiping tendencies were allowed their full swing at one of these same dinner parties at the castle. It would, of course,

be a piece of news highly relished by the King and the Duke of York, to be informed that the author of 'Iconoclastes' had, when at Cambridge, been "*vomited*, after an inordinate and riotous youth, out of the university," and no other than this was Aubrey's report of John Milton. The poet of course repelled the accusation, and proved that he had studied with credit at his university for seven years; but it stands as a memorable instance of the obstinacy of prejudice, that even Dr. Johnson, in a new generation, should utter the astounding absurdity, "I am ashamed," says he, "to relate what I fear is true, that Milton was one of the last students in either university that suffered the public indignity of corporal correction."

THE EJECTED DIVINES.

The period of the restoration of Charles II, at which we have now arrived, presents a fitting occasion for reviewing the changes brought about in the important department of church government, as resulting from the great civil war. By passing in review the principal characters in this town and neighbourhood whose fortunes were thereby affected, or whose zeal was kindled to a brighter flame by the elements of excitement around them, we may contemplate, as on a smaller arena, the principles at work throughout the entire country, during what is perhaps the most interesting period of English history.

It will always be a question how far pious and learned ministers were made to suffer for their allegiance to the King. No doubt party feeling biassed many decisions; and this admission is all that controversialists need crave. Dr. Walker's 'Suffering Clergy' holds up to our view many an honest royalist in whose privations we cannot but cordially sympathize; while, on the other hand, divers presentees of the parliament, whom he loads with ridicule, lived to prove the sincerity of their professions by voluntarily going out upon the Act of Uniformity. Amongst the party who gained the

ascendant during the war, many thought they were doing good service by attempting to dragoon the nation into a form of godliness. They led the way through untried paths, and it was but natural that they should sometimes stumble. To us it has now become quite clear that the mass of the people were not ready for such an experiment. George Fox's Memoirs, as well as many other documents of the time, incidentally afford numberless proofs, that though the master-genius of Cromwell stifled the outward expression of vice, and reduced the magistracy and subordinate officials throughout the country to a marvellous acquiescence in his views, yet at the bottom the caldron of human passions was heaving with intolerable throes, and waited but for the return of the exiled King to leap up and deluge the land.

An Act for ejecting scandalous and insufficient divines from parish pulpits had been passed early in the course of the war, but the absence of any standard by which to judge of merit seemed after a while to render necessary a new and more operative measure, which accordingly was brought into play on the 28th of August, 1654. One of the most active agents in this neighbourhood was the famous Adoniram Byfield (for some time rector of Collingburn Ducis, in Wilts), as may be seen by letters preserved in Peck's *Desiderata Curiosa* and elsewhere. He first came into notice as Presbyterian chaplain to Lord Cholmondeley's regiment in the Earl of Essex's army. He was also one of the scribes to the Assembly of Divines, and afterwards a commissioner for ejecting scandalous ministers. The Wiltshire commissioners, who appear to have made Marlborough one of their principal places of sitting, summoned before them, amongst others, Walter Bushnell, vicar of Box, to answer a variety of charges of immorality, as well as disaffection to the new government; and after many examinations and a full hearing, they ejected him. The vicar prepared for the press a very lengthy 'Narrative of Proceedings' in his case, but it was not printed till after the Restoration;

and even then the commissioners, though every man's hand was against them, had the courage to put forth 'A Vindication of the Marlborough Commissioners by the Commissioners themselves.' Mr. Bushnell was, of course, restored to his living at the Restoration. The account of his trial, which certainly appears to have been very protracted and vexatious, may be seen in full in Walker's 'Suffering Clergy.' The following is from Adoniram Byfield :—

"To Mr. Henry Scobel, Abbey-yard, Westminster.

"Sir,—In our proceedings upon the Ordinance for ejections, many places are made void. I did not imagine ever to have found so much prophanity, ignorance, and negligence, in such as call themselves the ministers of Jesus Christ ; so that if due care be had above [*i. e.* at Westminster] in settling godly, able, and faithful men in their places, I hope in short time the gospel will have a freer passage among us. But that which I am most solicitous about, and desire your most sincere thoughts of, is the case of great and populous congregations, which have so small and inconsiderable maintenance : as I do almost despair of having an able minister settled in them unless some speedy course be taken for an addition by way of augmentation. For the present, I shall only mention those great and populous parishes the Devizes, Calne, Chippenham, Highworth, Great-Bedwyn, Cricklade, Ramsbury."

Then follows a list of such pastors as promised most fully to answer the expectations of the committee, and as a proof of Byfield's sincerity, it may be added that they constitute some of the most distinguished nonconformists which the country produced. Their names were, Dr. Humphrey Chambers, of Pewsey ; Nicholas Proffet, of St. Peter's, at Marlborough ; William Hughes, of St. Mary's, at Marlborough ; John Strickland, of St. Mary's, at Salisbury ; Mr. Rashleigh, of the Close, Salisbury ; William Eyres, of St. Thomas, at Salisbury ; Peter Ince, of Dunhead ; John Watts, of Newton-Tony ; John Woodbridge, of Burford ; John Barcroft, of Broughton ; Philip

Hunton, of Westbury ; James Hounsel, of Chilton ; William Spinage, of Poulshot ; Mr. Harrison, of Albourn ; John Legg, of Dunhead, St. Andrew's.

Byfield further remarks, that "those ministers settled in country [rural] livings have a sufficiently comfortable subsistence ; but those settled in corporations such as Salisbury and Marlborough have little subsistence but what they have from their several augmentations, which are so hardly gotten as doth often put them to great straits."

14 Aug., 1655.

ADONIRAM BYFIELD.

While much outward decorum was finally induced, and to some extent a real reformation effected, by this arbitrary readjustment of the parishes by the parliament, many irregularities occurred, and scandalous scenes were enacted during the process of change. The picture which Sir Walter Scott has drawn, in his tale of 'Woodstock,' of the disturbance of a Presbyterian divine by the military, can hardly be said to be overcharged ; and in fact derives its reality from events which actually occurred at Devizes, by the intrusion into St. John's Church of some of the Independents of Colonel Ireton's regiment, in 1646. About the same time, one Mr. Erbury (or Yerbury) is represented as stopping a preacher at Marlborough, for the purpose of entertaining the congregation with an exposition of his private views as to the divinity of the second Person, and the necessity of a ministry. Then there was the sect of the Quakers, which began to spread at the restoration of peace. While the successors of the so-called "Scandalous Divines" were to be seen in the enjoyment of the forfeited livings, and deriving an earthly reward for superior sanctity, who can wonder that the doctrines of George Fox found a ready response in the heart of many honest thinkers, who from all they saw around them could discern no middle course between the encouraging of downright simony and the abandonment of every outward form ? Fox, in the course of

his numerous wanderings, was often in Wiltshire, and his efforts at proselyting in Marlborough appear to have been not without success. His Diary in 1656 has the following entry : " We went to Marlborough, where we had a little meeting. The sessions being held that day, they were about to grant a warrant to send for me ; but one Justice Stooks, being at the sessions, stopped them, telling them there was a meeting at his house yesterday, at which were several thousands. So the warrant was stopped, and the meeting was quiet ; and several received Christ Jesus their teacher, and came into the new covenant and abode in it. From thence we went to Newbury." During another visit to Wiltshire, in 1673, and passing through Slaughterford, where he seems to have often tarried, the journal continues :—" After this I went to Marlborough, and had a meeting there, to which some of the magistrates came, and were civil and moderate." He then proceeded to Oare. William Penn, the founder of Pennsylvania, and one of Fox's fellow-labourers, also preached in Marlborough shortly after Monmouth's rebellion ; but the doubtful connection which he maintained with the Court so excited the popular indignation against him, here as elsewhere, that while he was holding forth in the Hall, we are told that " two ballad-singers made a chorus for his whole preachment, and afterwards the boys burnt his coat to pieces with squibs." (*Viscount Weymouth's letter in Thorpe's MSS.*, quoted by George Roberts.)

ST. MARY'S vicarage. In 1643, Thomas Miles was presented ; presumed to be a royalist, as his name occurs in the Salisbury institutions, and as he came in for Preshute in 1662 (when the Uniformity Act passed) on the presentation of one of the Hyde family. Whether or not he had been displaced from St. Mary's by the parliament, does not appear. At any rate he was not in possession when King Charles returned, the minister at that time being William Hughes, M.A., of New Inn Hall, Oxford, and a native of Bromham

near Devizes. Mr. Hughes, after his ejectment from Marlborough in 1662, purchased a house in the town, and opened a school, which, notwithstanding the rigour of the times, was well approved of by several gentlemen in the neighbourhood, and by some who sent him pupils even from London. Still his life was a continued scene of trouble, by reason of citations from the bishop's court and the perpetual snares laid for his conviction, so that for years he was a prisoner in his own house. He would probably have been unmolested had he confined himself to teaching; but he not only collected a permanent congregation in Marlborough, but when this was wholly suppressed, he often preached to such as would follow him, in the woods and fields. This course of life at length broke a constitution originally strong and healthy, but, as his biographer narrates, all the while he was declining, he was full of heavenly discourse, awaiting with unbroken tranquillity his approaching change, which occurred 14th Feb., 1687.

His son, John Hughes, married Anne, daughter of Isaac Burgess, Esq. (sheriff of Wilts on two occasions), of an antient family in this county. He was connected with a fire office in London, and died 1715, leaving two sons, John and Jabez, and a daughter Elizabeth. John, born at Marlborough, 29th Jan. 1677, distinguished himself in the reigns of Queen Anne and George I, by his literary taste; was the friend of Addison and Sir Richard Steele, and had a large share in the composition of the *Tatler*, *Spectator*, and *Guardian*. He had a place in the Ordnance Office, and was secretary to the Commission of Peace under Lord Chancellors Cowper and Macclesfield, and died 1720, a few hours only after his tragedy, 'The Siege of Damascus,' had been first acted with applause. His poems were published 1735 by his brother-in-law, William Duncombe, Esq., and his letters in 1778, by his nephew the Rev. John Duncombe. Jabez, brother to the last-mentioned, born 1686, was also a scholar, and a writer of verses. He had a place in the Stamp Office, and died 1781.

A volume of his works was published 1737. He left a daughter, who died without issue.

Elizabeth Hughes, his sister, born 1692, married 1726, to William Duncombe, Esq., of Hertfordshire, and died 1736, leaving an only son John, who became rector of St. Andrew's and St. Mary Breadman's, in the city, and one of the six preachers in Christ Church, Canterbury. The above three grandchildren of William Hughes, all conformed to the established church, though it may be added that John wrote an essay in favour of toleration. Mr. Duncombe was the friend and correspondent of Archbishop Herring. See the letters of the worthy primate in Duncombe's collection. An interesting memorial of Mr. Hughes's ministry survives in a small work which went through three editions, being the 'Conversion and Experience of Mary Hurl,' or Hurdle, of Marlborough, a maker of bone-lace in this town. The narrative displays unaffected zeal and a vivid apprehension of contact with the spiritual world.

ST. PETER'S CHURCH.—Nicholas Proffet, who was presented by the bishop in 1630, appears to have exercised his ministry without giving offence to any party, for he remained here till the year 1669, when the vacancy caused by his death introduced the Sacheverell family to the town. Of them, more will be said in another place. Mr. Proffet was one of the Westminster Synod, and was appointed with others to settle the government, liturgy, and doctrine of the Church of England. In 1649 he signed the "declaration of ministers" against injuring the King's person.

MILDENHALL CHURCH.—Dr. George Morley, who (according to Dr. Walker, though his name does not occur in the Salisbury Institutions) held the living when the war began, was turned out by the parliament, and succeeded by Thomas Bayly, one of the Assembly of Divines, a fellow of Magdalen College,

Oxford, and a fifth-monarchy man, who in his turn was ejected at the Restoration; after which he settled in Marlborough and preached to a private congregation, dying in 1663, aged 81. Stephen Constable was his successor at Mil-denhall in 1660.

DR. GEORGE MORLEY, born in London, and educated at Westminster school, was chaplain to Lord Carnarvon, and afterwards to Charles I, who, in 1641, promoted him to a canonry in Christ Church, Oxford, the first year's profits of which he handed over to his Majesty to aid him in the war. He was nominated by the parliament one of the Assembly of Divines, but refused to sit amongst them. From first to last he remained an uncompromising royalist, and a vigorous agent in his master's cause. He assisted in the treaties of Oxford and of the Isle of Wight, attended Lord Capel when going to the block, quitted England with the royalist exiles, and became their chaplain at Antwerp and Breda, acquired the friendship of Rivet, Heinsius, Salmasius, and Bochartus; and returning with Charles II at the Restoration, was made in succession, dean of Christchurch, bishop of Worcester, dean of the chapel royal, and bishop of Winchester, for which last promotion his Majesty foretold that he would be never the richer; and so it turned out, for he expended £8000 in repairing Farnham Castle, £4000 in purchasing Winchester-house, at Chelsea, to be annexed to the see, with other sums in beautifying the palace at Winchester. Bishop Morley was a hard student, and a giant in strength and energy. He rose at five, retired at eleven, and on the coldest nights would use no artificial heat; he ate but one meal in the twenty-four hours, and by these means, observes his biographer, he escaped gout, stone, strangury, and headache, and never kept his bed but on two occasions. Dr. Walker closes his memorial with the following apostrophe: "Oh that but a single portion of his spirit might always rest on the established clergy!"

OGBOURN, ST. ANDREW'S.—Bartholomew Webb, a presbyterian, placed here by the parliament in 1646, was ejected by the Act of Uniformity in 1662, though he appears to have been anxious for the Restoration. "*Fiat justitia, ruat cælum,*" said a zealous presbyterian royalist, when conversing with a friend upon the question of bringing in his Majesty. "*Ruat cælum,*" remarked his friend, on meeting him one day after the Act of Uniformity was passed. (*Palmer*, vol. ii, p. 432.)

RAMSBURY VICARAGE.—Who went out at the Restoration, we have not learnt; but the new incumbent was John Wilde, who when the Act of Uniformity passed, two years afterwards, found no difficulty in complying with its provisions. His curate took an opposite course, and merits a few additional notices. Henry Dent, M.A. of Wadham College, Oxford, though like many others unnoticed by Anthony a Wood, was at first assistant to Mr. Strickland of St. Edmund's, Salisbury, and afterwards to Mr. Wilde, vicar of Ramsbury. After being silenced in 1662, he still lent his services to his superior in the management of the Sunday school, though he was not allowed to read the prayers. After a time, this office being also withdrawn, he, with the aid of his wife, kept a school and ministered to a private congregation at his own house. He was as much harassed for his nonconformity as any minister in the county. Three times was he excommunicated, but at length obtained his absolution for a sum of money, that he might not wholly be incapacitated to continue his school, which was his main support. He found a friend in Sir Seymour Pyle, who often gave him private information when warrants were out against him; so that, though often hunted, he was never in prison. Sometimes he would preach in the copses, placing scouts to watch the avenues. For a long period he walked every week, winter and summer, to Lambourn woodlands, to preach to about twenty poor people, having very little for his pains. He used to say "He that sets me to

work will pay me my wages." When Mr. Maverly became vicar of Ramsbury, he enjoyed more quiet, and was even on friendly terms with him. Mr. Dent then generally preached in the morning, and went in the afternoon to the parish church with his family. He died 1696, aged 63. His last words were "An interest in Christ is worth ten thousand worlds."

Sir Seymour Pyle, of Collingbourn [?], described above as Mr. Dent's friend, and whose name has also occurred in the Penruddock affair, was younger brother to Sir Francis Pyle, who married Frances, daughter of Sir Bulstrode Whitlocke, of Chilton Park, the Memorialist. The attachment of this family to the nonconformists, may be further elucidated by the fact that Sir Robert Pyle, of Compton, co. Berks, Bart., had married Mary, eldest daughter of Samuel Dunch, Esq., of North Baddesley, co. Hants (connected with the Cromwells by marriage), of whom, that is to say, of Mr. Dunch and also of his son and heir, it is related by the Rev. Mark Noble that "they were the greatest patrons of the ejected ministers of any in their county." Sir Seymour was the son of Francis Pyle, by Elizabeth, daughter of Francis Popham, of Littlecot; the preceding ancestor being Gabriel Pyle, of Bupton, where the family had long been seated, deriving the estate through female descent from the Hornes, and they again from the family of France. Gabriel Pyle, of Dinton, was patron of Mildenhall Church in 1593.

OBADIAH SEDGWICK, son of the Rev. Joseph Sedgwick, vicar of Okebourn, St. Andrew's, was born at Marlborough in the year 1600, and educated at Magdalen College, Oxford, where he took his degrees and continued to remain some years. Lord Campbell says of him, that, though a noted puritan, he was deeply imbued with classical learning; and then goes on to observe that though in the early part of the 17th century the puritans were the greatest of all the Anglican mathematicians and scholars, yet that "in the next generation

they in general undervalued human learning." He might have added with equal sagacity, that for this reason it was that the Universities were shut upon them. In 1625, being still at Oxford, we find Mr. Sedgwick directing the studies of young Sir Matthew Hale (afterwards Chief Justice). His pupil, in whom he must have been greatly interested for his natural nobility of character, for some time continued to study with great assiduity, and gave regular attendance at chapel, and also at prayer meetings held in private houses, when the arrival of a company of strolling players quite changed the current of his thoughts. He became fond of fine clothes, and being of an athletic frame, soon learned to excel in fencing and riding. At this crisis Mr. Sedgwick was appointed chaplain to the renowned Lord Horatio Vere, and was preparing to follow him into the Low Countries, when young Hale, having resolved to abandon the church and become a soldier, was strongly inclined to go along with him, and "trail a pike under the Prince of Orange." But a law-suit, which threatened part of his patrimonial estate, bringing him into contact with the learned Serjeant Glanville, his enthusiasm derived a totally new direction. Mr. Sedgwick on his return to England became a preacher in London and Coggeshall, where he remained till the breaking out of the wars. He then became one of the Assembly of Divines, and often preached before the parliament. He was also a commissioner for ejecting scandalous ministers, and a licenser of divinity books. Finding his health declining, he resigned his preferments, and retired to his native town of Marlborough, where he died 9 June, 1657, and was buried at Okebourn, St. Andrew's. [It is related of his distinguished pupil, that the flattery of his fencing master on one occasion prompted him, in the moment of exultation, to give the following challenge. "I promise," said he, "to give you the house you occupy as my tenant, if you can break my guard and hit me. Do your best, for I will be as good as my word." The master, knowing

his own prowess, soon delivered a palpable hit, and Hale unhesitatingly gave him the house, 'not unwilling at that rate to learn so early to distinguish flattery from truth.'"]—(*Burnet's Life*.) Mr. Sedgwick's portrait is in Granger's Biographical Dictionary.

CHRISTOPHER FOWLER, M. A., born at Marlborough about 1610, was educated at Oxford, where he continued some time as a preacher. At the period of the Restoration he was fellow of Eton College, and vicar of St. Mary's at Redding, but upon the King's return, he lost the fellowship, and in 1662 by the Act of Uniformity, the living of Redding. He afterwards retired to London, where he exercised his ministry in a more private way, and died in Southwark in 1676. His favourite study was chronology, with a view to the elucidation of prophecy: his character was that of a patient and faithful minister. He wrote a defence of the commissioners of Berks in the matter of John Pordage, rector of Bradfield; a sober answer to an angry epistle of T. Speed, the quaker; with several sermons.

The Commons' Journals, 14th February, 1657, has the following entry. "A Bill was read for the erection of a church, and establishing a parish in the parks of Brimslade and Savernak, and forest and chace of Savernak and parts adjacent, belonging to and part of the said forest. Ordered to be read that day seven night."

BYE-LAW AGAINST NONCONFORMITY, 1678.

After the oppression of the first eighteen years of Charles II's reign, the cause of the Reformation was still so powerful here as to call forth the following puerile attempt of the corporation to arrest its progress:—

"An order for conformity to the church government [abridged]. Whereas, now of late some of the magistrates, or of the common council of this borough, have permitted their wives, children, or servants, to absent themselves from the public service of

Almighty God, in the public congregation in the several churches within this borough, on the Lord's Day, commonly called Sunday, and to resort to unlawful conventicles, contrary to the law and the established government of the church of England, to the great discouragement of the ministers of both parishes, the evil example of others, and the encouragement of faction and disloyalty. It is now therefore ordered and decreed by the mayor and major part of the common council, that if any of the council, burgesses, or freemen, allow their wives, children, or servants, willingly and obstinately to absent themselves from the churches, or resort to conventicles or unlawful assemblies, they shall be incapable of exercising the office of mayor, justice of the peace, or to be of the council, or to bear or execute any office of trust within the borough, until such time as they shall conform themselves and their families unto the established government of the church, according to the laws and statutes of this kingdom." Dated 6 Aug., 1678.

Dissent, properly so called, was a thing forced upon the country by the Act of Uniformity. To the names already mentioned, must now therefore be added those of several ministers, who, coming to reside here from a distance, became the unwilling founders of nonconformity in the town and neighbourhood.

SAMUEL TOMLYNS, M.A., of Trinity College, Cambridge, rector of Crawley, in Hants, ejected in 1662, afterwards preached to a congregation at Winchester for a period of nine years, passed in the midst of unceasing persecution. He settled alternately at Hilcot, in Wilts, at Andover, and finally at Marlborough, where he laboured for many years, and where under great bodily infirmities he at length finished his course, 18th June, 1700, aged 67. Mr. Tomlyns, who was a native of Newbury, had an extensive reputation as a scholar, preacher, and divine. His printed works which remain are, 'Funeral

Sermons for Mr. Richard Moore, of Hungerford, and for Walter Marshall, of Hursley,' 'The Duty of Christians to go forth without the Camp.' Mr. Benjamin Flower, of Chippenham, preached his funeral sermon.

MATTHEW PEMBERTON, turned out of the rectory of Clayhaddon, in Devonshire, spent some years in London, but finally became minister of a congregation at Marlborough. He wrote, in conjunction with Mr. T. Vincent, 'The Death of Ministers improved,' published with Richard Baxter's Sermon for Mr. H. Stubbs. He was succeeded in his pastorate by one of the most esteemed of the nonconformist divines, viz. :

WILLIAM GOUGH, of Queen's College, Cambridge, son of Edward Gough, rector of Great Chiverell, near Lavington. The father was a royalist, yet on account of his unblemished character, remained in his living undisturbed either during the parliament's rule or in Cromwell's time. Nor would his son accept any of the livings sequestrated during the war, but preferred to exercise his talents by keeping a school and preaching at Warminster (probably as an assistant). Preferred at length to the rectory of Inkpen, in Berks, he remained there till 1662, when with so many others he was compelled to leave the church of his choice, though his father saw no sufficient reason for adopting the same line of conduct. Being driven about by the Corporation Act, William Gough repaired to the village of Earl Stoke, probably on account of its proximity to his father's incumbency, and preached to the people whenever there was no public service in the church. He also took his turn in delivering weekly lectures at Salisbury, Brook, and Devizes, but eventually succeeded Mr. Pemberton at Marlborough, where he died at the age of sixty-six, being taken ill while preaching the ordination sermon of Mr. Turton. Mr. Gough was a gentleman and a man of business, and was held in great esteem by the surrounding gentry and clergy,

his advice being much sought in matters of difficulty. He educated two sons at Oxford, one of whom, Strickland Gough, became pastor of a congregation at Bristol. A portrait with the words "Mr. Gough, of Marlborough," written at the foot, has long hung in Dr. Williams's library in Red Cross Street, but unfortunately its present condition is that of irremediable decay. Gough, or Goffe, is a family of long standing in this county, and frequently occurs in the burgess rolls of Marlborough, as will be seen hereafter. Hugh Gough was presented by Sir Walter Hungerford, in 1584, to the vicarage of Little Chiverell, which he held till 1623, two years later than we find Edward Gough, supposed to be his son, presented to the neighbouring parish of Great Chiverell. This Edward was the father of Mr. Gough, of Marlborough, mentioned above, and he lived at Chiverell till his death in 1668. Contemporaneously with these gentlemen, there is another Hugh Gough, who figures as parson and prebend of All-Cannings, in the controversy between Lord Hertford and the dean and canons of Windsor, in 1604; and who likewise had a son Edward, chaplain to the Earl of Hertford.

DR. THOMAS RASHLEIGH, placed by the parliament at Burford St. Martin, co. Wilts, and afterwards in some church at Salisbury, and thence expelled by Charles II, spent the evening of his days at Avebury.

DR. JOHN WORTH, who had taken his degree in medicine, became a minister among the dissenters in Marlborough. His father, born at Woolstane, near Coventry, had been ejected from the vicarage of Kilsby, in Northants, 1662. William, a brother, settled at or near St. Ives, and Stephen at Cirencester; all three ministers. The family of Worth, or Earthe, or Erworth, all three forms being probably varieties of Highworth (for the borough of Highworth was called Worth in one or more of its returns), were long settled in this neighbour-

hood. See the Herald's visitations, temp. Jac. I. In 1575, Roger Earthe represented the Earl of Pembroke as patron of Mildenhall, in the nomination of Thomas Lawrence to that living; and in 1593, William Earthe succeeded, on the death of the said Thomas Lawrence. The branch at St. Ives probably reappears in Charles Worth, of St. Ives, Esq., married in 1727 to Prudence Kergwyn, of Mousehole, an antient Cornish family.

SAMUEL OLDFIELD, whose name occurs towards the close of the seventeenth century, as minister of a small congregation of dissenters, at Ramsbury, was the son of John Oldfield, turned out of the rectory of Carsington, in Derbyshire.

JAMES BURDWOOD, of Pembroke College, Oxford, being turned out of the lectureship of St. Petrocks, at Dartmouth, became a farmer, and rented an estate at Batson, near Marlborough. He preached in his own house to great numbers who flocked to hear him from the adjacent parts; and when the house would not contain them, he made use of his orchard. He was constantly annoyed by a noted informer named Beer or Bear, who, for his good service in disturbing conventicles, had been advanced to the degree of justice of the peace. This man, being aided by the parson of the parish, [John Wilde, vicar of Ramsbury?] also a justice, with a crew of informers at their heels, watched every opportunity for confiscation or annoyance. The Conventicle Act forbade the private meeting for worship where there were five persons present besides the household. As Mr. Burdwood had (first and last) seventeen children, he must always have had a congregation, and when the Act was put into more stringent exercise in 1670, it is probable that he took care to limit his auditors to the prescribed number, for the justice hesitated not to disturb the little community by walking into it with his

train of followers. In September 1670, a troop of informers beset the farmhouse, but their scrutiny could detect no more than four persons besides the family; but the door being opened in consequence of the house dog having set upon a girl outside, the young woman, greatly affrighted, rushed in, and the dog with her. There was now the illegal number of five in the house. The justice, therefore, entering, with the informers at his heels, proceeded forthwith to levy a fine of £20 on Mr. Burdwood for preaching, £20 more for his house, and five shillings a piece for all the rest. The re-actionary spirit of the times was a guarantee for every enormity. His persecutors would unhang his doors, rifle his house, strike the locks off his barn-doors, and put others on, and scatter his family among their neighbours. All this he endured for five years, and then removed to Hicks-down, about a mile from Begbury, where he took another farm. But he was not yet beyond the reach of his old enemies, and in the course of seven years, decided on going back to Dartmouth, where after various ups and downs, he closed his labours, 1693, aged sixty-six. His last illness, which assumed the form of strangury, occasioned him great bodily torment, and rendered him, as his biographer suggests, "the more able to pen those books entitled 'Hearts ease' and 'Helps for faith in times of affliction.'"

DANIEL BURGESS, M.A., of Magdalen College, Oxford, was at first minister of Staines, then of Veny-Sutton, in Wilts, on the ejection of Mr. Swaddon for immorality. Here he remained fourteen years, till the death of Adoniram Byfield in 1659 occasioned his removal to Collingbourn Ducis, to which living he was presented by the Duke of Somerset, at the instigation of his brother Isaac Burgess, Esq. (twice sheriff of the county). This rectory, then worth £400, he resigned rather than subscribe to the Act of Uniformity, though there were few persons who had so many inducements

to conform as himself; but neither the entreaties of his flock, the expostulations of his patron, nor the circumstances of a large family, could change his determination; though it was also urged that the sequestered minister, Dr. Pryor, was dead. The duke and duchess were so urgent with him to remain, that they induced him to retain in his keeping the instrument of his presentation, that if upon further consideration he could comply, he might be restored before another occupied his place. But though he yielded thus far to their courtesy, it was no temptation to him, for he, as cheerfully as any man, resigned himself to the call of honour and integrity, and never repented of the step. From Collingbourn he removed to Marlborough, where he had an estate, and where he occasionally officiated for Mr. John Hughes. At other times he preached in the neighbouring districts. He died in 1679, but not before he had been driven from this town by the Corporation Act. He was a learned and affectionate preacher, much esteemed by his brethren in the ministry, and exceedingly lamented by his followers. He was buried at St. Peter's, in Marlborough, 25th June.

But it is with his son, the Daniel Burgess of metropolitan notoriety, that we have principally to do in this brief memoir. At the age of nine he gave such early proofs of superior talents that he was sent to Westminster School; and was entered a commoner of Magdalen Hall, Oxford, when only fifteen. He became chaplain first to Mr. Fowell, of Chute, in this county, and afterwards to Mr. Smith, of Tedworth House. His next office was to become head-master of the Protestant school at Charleville, in Ireland, established by the Earl of Orrery, Lord President of Munster, where also he superintended the education of many of the sons of the Irish nobility and gentry. After a residence of seven years in that country, his father, growing infirm, sent for him home, where he arrived in the year 1674, and took up his abode at Marlborough. The times were now dark and tempestuous for

dissenters, but he applied himself closely to the work of the ministry as a Presbyterian; and had the courage, says his biographer, Matthew Henry, to put to sea in a storm when very few nonconformists did. His courage was rewarded and his abundant labours crowned with great success at Marlborough and its vicinity, including Bayden, Hungerford, Ramsbury, Albourn, and several other places. Such a course, and in such times, soon brought him into trouble. On one occasion he was apprehended for preaching, and committed to the common jail of Marlborough, where having nothing to sit or lie upon, he was obliged to walk his cell all night, till his friends the following day contrived to put a bed in at the window. He was denied a copy of his commitment, but after some time came out upon bail, though he still continued to suffer much persecution at assizes and sessions.

It must have been about this time that he became tutor to Henry St. John, afterwards the notorious Lord Bolingbroke. The Daniel Burgess who filled this office, is also stated to have been "the spiritual guide" of the young man's grandmother, Mrs. Walter St. John, of Lediard Tregoze, under whose roof he was educated; and although the elder Burgess may very reasonably be supposed to have occupied this latter position, he could hardly have been the tutor here referred to, since he died when his pupil could be only seven years of age. We must, therefore, conclude that the younger Burgess it was who for some time became an inmate in the family at Lediard Tregoze.

Finding his difficulties increase in the country, Mr. Burgess went to London, where he laboured nearly thirty years with unrivalled popularity and great success. When the riot arose in 1709, occasioned by Dr. Sacheverell's affair, the mob broke into his meeting-house, demolished the windows, and tearing out the pulpit and pews, burned them in Lincoln's Inn Fields. He died in 1718, aged sixty-seven. His style as a preacher was remarkable for quaintness, point, and an overflowing wit,

which attracted thousands, who, supposing that his only object was to astonish, never suspected the warmth which glowed beneath. He expressed his own belief that it cost him more to study plainness than it did many others to be striking. He was withal a most genuine character, wielding over his contemporaries a mastery which scorned the aid of artifice. His sallies of wit were never directed but against vice. His humour was innocent, for it came from a pure heart. It has been asserted by Dr. James Bennett, that he had many imitators both in and out of the Establishment. [*History of Dissenters.*] Archbishop Herring, writing to William Duncombe in 1756, says, "Whitfield is Daniel Burgess *redivivus*." As to his outer man, his countenance was extremely majestic and impressive. Three different engravings of his portrait may be seen in the illustrated copy of Wilson's *Dissenting Churches*, preserved in Dr. Williams's library in Red Cross Street.

The church which he formed in New Court, Carey Street, Lincoln's Inn Fields, still continues. Previously to this he had preached in a chapel in Russell Court, Drury Lane, the lease of which expiring in 1705, the landlord sold it to the parish of St. Martin's in the Fields, when, extensive repairs being undertaken, the expense was defrayed by a benefit given at the neighbouring theatre. This drew from the uncompromising author of 'Robinson Crusoe' a sarcastic attack, which appeared in his 'Review,' 20 June, 1706, entitled 'A Sermon, preached by Mr. Daniel De Foe, on the fitting up of Daniel Burgess's late Meeting-house.' "As for my text," says he, "you shall find it written in the *Daily Courant*, 18 June, 1706, thus: 'Towards the defraying of the charge of repairing and fitting up the chapel in Russell Court; at the theatre royal in Drury Lane this present Tuesday, being the 18th day of June, will be presented the tragedy of Hamlet prince of Denmark, with singing by Mr. Hughes, &c., and entertainment of dancing by Monsieur Cherrier, Miss Saintlow his scholar, and

Mr. Evans. Boxes, 5s.; pit, 3s.; front gallery, 2s.; upper gallery, 1s.’”

The following is a portion of the sermon :—

“Certainly you gentlemen of the high church show very little respect to the church, and cannot be such friends to its establishment as you pretend to be; since though you have the house built to your hands, yet you must go a begging to the playhouse to carry on the work.” “Hard times, gentlemen, hard times indeed these are with the church, to send her to the playhouse to gather pew-money.” Never talk of the stage any more, for if the church cannot be fitted up without the playhouse, to write against the playhouse is to write against the church; to discourage the playhouse is to weaken the church. See how all hands are zealous for the church. The whole nation is at work for her safety. The parliament addresses, the queen consults, the ministry executes, the army fights, and all for the church. At home we have other heroes that act. Peggy Hughes sings, Monsieur Ramadan plays, Miss Saintlow dances, Monsieur Cherrier teaches, and all for the church. Here’s heavenly doings, here’s harmony. The clergy preach and read, and get money for it from the church; but these sing, and dance and act, and the church gets money. How comes the chapel in Russell Court to stand in such ill circumstances? The chapel was Mr. Daniel Burgess’s meeting-house; and as the auditory is large, and the persons concerned numerous and able, whence comes this deficiency? It must be from want of regard to the church. What, send her a begging to the playhouse! Of all the churches in the world I believe none was ever served thus. What, nobody to repair the church but those that are every day reproved in it!” “If the money raised here be employed to re-edify this chapel, I would have it written over the door in capital letters.

“This church was re-edified anno 1706, at the expense and by the charitable contribution of the enemies of the

reformation of our morals, and to the eternal scandal and most just reproach of the church of England and the Protestant religion. Witness our hands,

LUCIFER, Prince of Darkness, } Church-
HAMLET, Prince of Denmark, } wardens."

The present writer possesses a copy of a tract^x published at the time of the destruction of Dr. Burgess's chapel by the Sacheverell mob, formerly belonging to the library of the late eminent physician, Dr. Samuel Merriman, a native of this town. Dr. Merriman, who was evidently a great admirer^(?) of Burgess, has appended a MS. account of his life, derived apparently from Matthew Henry's 'Memoirs.' Bound up with the above, is an answer to De Foe's satire; also a contemporary engraving, entitled, Dr. Burgess's theatre, representing the attack of the rioters. The mob are seen carrying off the doors, and throwing the forms out of the windows, while a distant view of Lincoln's Inn Fields exhibits the bonfire which is being fed with the materials. One thief is making off with the minister's hat and wig, and another is flourishing a bottle of the communion wine. Among the debris near the door may be recognised the pulpit cushion, and the hour-glass which in those days it was the custom to place near the preacher, to enable him to regulate his length of sermon. [The receptacle for such an accessory may still be seen in Shorwell Church, I. of W.]

Dr. Merriman closes his own remarks with the following note, and a few extracts from the parish register of St. Peter and Paul, respecting the family of Burgess. "In the 'Tatler,' No. 66, Daniel Burgess is alluded to, and again in No. 229 and 239. In the edition of 1786, with notes, some mistakes respecting him are fallen into. He is said, vol. iv, p. 112, "to have resided, in the year 1714, at the court of Hanover, as secretary and reader to the Princess Sophia." But as he

^x Burgess's 'Golden Tossers? No, his life.

[†] My Father was very fond of writing biographical memoirs and in the margins of books, but it does not follow that he "a deceased" person commemorated.

died in 1713, this cannot be. Was it a son of his who was at Hanover?"

William Burgess, of Burbage, married to Rose Merriman, 1684.

Obadiah Burgess, married to Mistress Susanna Dyer, 1671.

Obadiah Burgess, married to Marie Rocks, 1682.

Isaac Burgess, Esq., died 1668.

Isaac Burgess and Daniel Burgess, both died 1679.

Catharine, wife of Daniel Burgess, died 1681.

Marie, wife of Obadiah, died 1684.

Susanna, wife of Obadiah, 1679.

Dr. Samuel Merriman, who, like Judge Foster, seems to have been one of the few genuine descendants of the nonconformists of Marlborough, will be spoken of more at large in the biographical department. ^{As a} (He had a nephew^x of the same name, also a physician of eminence.) It may naturally excite surprise that a town where so many of the nonconformists congregated, as set forth in the recent pages, should in the succeeding age have exhibited such an almost total lack of their worthy successors. Newbury and Marlborough were at one time looked upon as the head-quarters of puritanism; but where was puritanism in 1700? The reason of its disappearance may be traced in the general lapsing of the Presbyterian churches towards Socinianism, which developed itself at Exeter in the celebrated Socinian controversy of 1717, bringing into notice the names of Pearce and Hallet. The only dissenting divine of eminence at that time living at Marlborough appears to have been Dr. Morgan, who afterwards obtained so unenviable a notoriety as the foremost champion of Deism. That he had assumed these views before leaving Marlborough (which was, perhaps, about the year 1722), is evident from the fact that one or more of his controversial essays are dated from this town.

THE SACHEVERELL AFFAIR.

A native of Marlborough, who for a short period enjoyed an

x It is "the nephew", the second Dr. Merriman, who wrote the Memoir of the Rev. Mr. Burgess, referred to on the preceding page; and whose biography is set given much at large.

unusual amount of notoriety as the tool of the Tory party in Queen Anne's reign, was Dr. Henry Sacheverell. Some account of his ancestry will here find its appropriate place. The name is said to be derived from *Saut de chevreuil*, and the pedigree of the family, in the visitation of 1569, dates as far back as the thirteenth century, beginning with Patrick Sacheverell, lord of Hopwell, in the county of Derby, in the reign of Edward I. It is not quite clear what was the connection between the Derby family and the branch in the south of England; but it is certain that the Doctor became possessed of an estate in Derbyshire by gift from George Sacheverell, of that county, who, admiring his political zeal, thought fit to claim him as a cousin. Quitting, therefore, the direct line, we commence with the Doctor's great-grandfather. This gentleman was incumbent of Stoke, in the Isle of Purbeck, in Dorsetshire, where he is described as living "in great reputation." He had several children, three of whom—Timothy, Philologus, and John—were, like himself, educated for the church, and all of them were turned out by the Act of Uniformity in 1662. (It is believed, at least, that all these three were his children.)

Timothy was rector of Tarrant Hinton, in Dorsetshire, whence, after his ejection, he removed to Winterbourn, in this county. Here he remained, not without his share of troubles, till 1672, when he settled in Devizes, and his wife established a boarding school for young ladies, which proved so successful an undertaking, that during the remainder of his life he was enabled to preach without emolument. He often made it a request in his prayers, "that those might be suffered to preach who looked upon their work to be sufficient wages." Mrs. Sacheverell's earnings probably fortified this sentiment.

Philologus Sacheverell, vicar of Eastwood, in Essex, retired, on his ejection, to the house of a relative who offered to support him. Here he fell ill at the same time with a brother

clergyman named Clopton (turned out of Rattendon, in the same county). Mr. Clopton died first, and his friend, overhearing the mention of it in his room, observed, "Then there is a good man gone to heaven," and laying himself down, died immediately, and they were both buried in the same grave.

John Sacheverell, of St. John's College, Oxford, who was the eldest son, though mentioned lastly here, because he was the direct ancestor of the famous Dr. Henry Sacheverell, was rector of Rimpton and perpetual curate of Wincanton, co. Somerset. His wife was the daughter of William Harvey, of Langton, in the Isle of Purbeck. At the Restoration he had the courage to preach a sermon from the following passage: "If ye do wickedly ye shall be consumed, both ye and your King;" the main purpose of which was to show, that of all the King's subjects, vicious livers were the greatest foes to good government. For this the rabble burnt him in effigy. Being afterwards arrested at a meeting-house in Shaftesbury, together with other ministers, they were all immured in Dorchester jail for three years; though the monotony of their existence was in some measure relieved by the liberty granted them of addressing the people on Sundays from a window of their prison. This the ministers did by turns, the audience being grouped along the river side. But the best of prisons, in those days, were filthy dungeons. Confinement quickly brought on fatal sickness, and the final memorial of the good man represents him sitting in his chair, calmly awaiting his dissolution, and speaking to those around him with energy and affection on the doctrines of man's salvation.

His eldest son, Joshua, was the minister of St. Peter's Church, in Marlborough, and his name appears in connection with one of the ghost-stories in the Rev. Joseph Glanville's *Collection of Relations*, where we learn that the party principally concerned made his deposition "in the presence of Christopher Lipyatt, mayor; Ralph Bayly, town-clerk; and

Joshua Sacheverell, rector of St. Peter's." Mr. Sacheverell was married at Great Bedwyn, 1669, to Susanna, daughter of Mr. Smith, of Easton, and died in middle life, leaving a numerous family in indigent circumstances. His widow remarried, in 1685, the Rev. Anthony Tate, vicar of Presbute (of the Tates of Burleigh), and after his death, in 1688, was admitted, though only thirty-eight years of age, into Bishop Ward's college for clergymen's widows, at Salisbury, where she died in 1722, aged seventy-two, and was buried in the cathedral. The following children of Joshua and Susanna Sacheverell occur in the register: John, born 1670; Joshua, 1672; Henry (the famous doctor), 1674; Timothy, 1675, but died in infancy; Thomas, 1677; another Timothy, 1679; Susanna, 1681; Benjamin, 1683, died 1685.

Henry, being only eleven years old at his father's death, was adopted by his godfather, Mr. Edward Hearst, an apothecary in Marlborough, who gave him a classical education at the Borough Grammar School, and afterwards sent him to Magdalen College, Oxford, where he became the associate of Addison. He distinguished himself, while at the University, by some able Latin poetry, and became fellow of his college. His patron, Hearst, having died in 1690, the widow continued the education of her husband's godson, and he proceeded to the degree of M.A. in 1696, B.D. in 1707, and D.D. in 1708. In 1705 he was appointed preacher of St. Saviour's, Southwark, and while in this station preached his two famous sermons—one at Derby, before his kinsman, George Sacheverell, mentioned above, who was then sheriff of the county, on 14th August, 1709; the other at St. Paul's, 9th November following.

When Sacheverell came of age, and found himself on the arena of polemical strife, the great storm raised in the church by the civil wars was by no means spent, though the alternate to and fro movements of the wave were preparing for a lengthened calm. Sixty thousand persons are reported to

have suffered for nonconformity between the Restoration and the Revolution, and 5000 of these to have died in prison. Monmouth's rebellion was the pretext for overcharging their full cup of misery :—And then the scales suddenly changed. The King courted them, but in vain, to aid him in destroying the national church, and the advent of William established for a while their political rights.

At William's death, the Reformation was still the watchword of the party in power, but great changes had been wrought throughout the country by an indefatigable Jacobite agency. The ignorant country gentry no less than the populace in towns were suffocated with priestism and plied with prejudice, and taught to look forward to the accession of Queen Anne as a renewed signal for licensed aggression, a surer proof of which cannot be afforded than by the fact that so soon as the event was known at Newcastle-under-Line, the mob assembled and demolished the dissenters meeting-house. Their hopes in the last of the Stuarts were speedily confirmed by the introduction of the "Occasional Conformity" Bill, at the debates of which Anne attended in person, and for the passing of which, her husband Prince George of Denmark voted, though himself a Lutheran and a dissenter. But three times did the lords and bishops foil the commons; for how uncreditable soever the alliance of abstract protestantism may have been felt to be, whiggery was not yet prepared to shake itself entirely free of the only element of its strength.

It is commonly said at parliamentary elections, "There is nothing like a good cry." The cry in Sacheverell's day was "The Church in danger;" and if the Diana of the tories on that occasion was as airy a phantom as her predecessor at Ephesus, and as little beholden for her deification to the suffrages of a thoughtless mob, she proved, nevertheless, to be equally available for rousing the passions and distorting the conscience. The man whose good fortune prompted him to

step forward and shout this war-cry in the ear of royalty, was by nature eminently fitted for the part he played. Dr. Sacheverell had a fine person, a melodious voice, and a graceful and impressive delivery; and these popular qualifications were emblazoned by a fiery zeal for his church, which while it served to advance his temporal interests, must not be altogether attributed to a calculating policy, but was probably in great part natural to the individual. Into a review of his two incendiary sermons it were idle at this day to enter. It is enough to say that they advocated the Queen's divine right, and sighed over the church's divine wrongs, that they affected homage to the principles of the Reformation, yet scoffed at the men of the Revolution. Being foolishly impeached in the House of Commons, he was brought to trial in Westminster Hall, and after a hearing of six days, was sentenced to be suspended from preaching for three years. This prosecution excited such a spirit of defiance in the high church party that it ultimately overthrew the whig ministry; and to complete the satire, established the fortune of Sacheverell, who during his suspension made a sort of triumphal progress through the country, and was collated to a living near Shrewsbury. In the places through which he passed to take possession of his new living, he was received with little less than regal splendour. Hundreds, and, in some parts, thousands of men in arms attended him from town to town. The clergy paid their homage to him with the most endearing cordiality as the champion of the church and of their order. Magistrates appeared in all the insignia of office to receive him into their precincts, while the tory nobility and gentry welcomed him to their seats. Simultaneously with these demonstrations, the fury of the populace was let loose against the dissenters, whose chapels were pillaged, and their persons exposed to insult. One meeting-house in Bristol was pulled down, and the materials cast into the river.

The same month that Sacheverell's suspension terminated,

he was appointed to the valuable rectory of St. Andrew's, Holborn, by Queen Anne; and such was his reputation that the copyright of the first sermon, which he afterwards was allowed to preach, sold for £100. He had also sufficient interest with the new ministry to provide handsomely for a brother; and to crown his good fortune, had a considerable estates left him by a relative. Few memorials are known of him after this party ebullition had subsided, except a mean-spirited letter preserved in Swift's works. He died in 1724.

[William Sacheverell, a prominent and energetic opponent of court intrigue in the parliaments of Charles II, sat for Derbyshire. In the Convention Parliament, the same name occurs for Heytesbury, in Wilts.]

In consequence of the trial of Sacheverell, high-church addresses flowed in upon the Queen from all quarters, beginning with the City of London. Some of them asserted the doctrine of non-resistance in the most unqualified terms. On this, Defoe asks, "would any man that had seen the temper of the people in the time of the late King James, believe it possible, without a judicial infatuation, that the same people should reassume their blindness, and rise up again for bondage? Never, since the children of Israel demanded to go back and make bricks without straw, and to feed on onions and garlick, was any nation in the world so sordid, and so unaccountably bewitched!" (*Miall's Footsteps*, 356.)

We may readily imagine that the people of Marlborough were not indifferent spectators of the comedy in which their townsman played so prominent a part. There is no doubt at least of the sentiments of the corporation, for they are recorded in a pamphlet (a copy of which is preserved in the Bodleian Library), printed for Benj. Tooke, at the Middle Temple Gate, in Fleet Street, London, 1710; and are expressed as follows:—

“To the Queen’s most excellent Majesty.

“The humble address of the Corporation of

MARLBOROUGH.

“Presented to her Majesty by the Right Hon. the Lord Bruce,
16 May, 1710.

“We your Majesty’s most loyal and obedient subjects, the mayor and burgesses of the corporation of Marlborough in the county of Wilts, being duly sensible of the many great and signal blessings which God has been pleased to confer upon us since your Majesty’s glorious accession to the throne of your royal ancestors, think ourselves obliged at this time, in the humblest manner, to assure the best of queens :—

“THAT from our hearts we detest and abhor the base designs of all false teachers and false brethren who, under the pretext of moderation, have lately revived and taught the same doctrines of resistance and rebellion which once made such an Aceldama of this kingdom, as rendered it liable to the imputation of the guilt and stain of our royal martyr’s blood, the shedding of which, as our church teaches us in our very prayers to confess and say, nothing but the blood of the Son of God can expiate.

“And as we thus detest and abhor all such anti-christian, popish, republican, damnable doctrines, which once had such fatal effects upon this kingdom ; so with the utmost sincerity, without any the least intermixture of ‘occasional’ hypocrisy, we voluntarily make this our solemn vow and promise to your Majesty, that we will never resist your sovereign power, which we acknowledge to be from God ; but on the other hand, will not barely expend our fortunes, but expose our lives to the utmost hazard in the just defence of your royal person and prerogative against all pretenders whatsoever. And when your Majesty shall think it seasonable for the good of your people to call another parliament, we will make it our business to

chuse such gentlemen to represent us in the House of Commons, whose religion shall lead them entirely to serve the inseparable interest of your sacred Majesty, the Church of England by law established, and the Protestant succession to the illustrious House of Hanover.

"In testimony whereof we have caused our common seal to be hereunto affixed, this tenth day of May in the ninth year of your Majesty's most glorious and happy reign."

The above document is sufficiently indicative of mental prostration, and demands but little comment. The term "occasional hypocrisy" is a sly hit at the practice of occasional conformity, against which the wrath of the Tories was about to explode. The singling out of the King's death as an object especially craving the Christian atonement, if not downright hypocrisy, is at least an instance of gross irreverence. The promised allegiance to the House of Hanover is in strange dissonance with a fact recorded by Mr. Jesse Heneage, in his life of the Pretender, viz., that on the accession of George I, so popular was the Jacobite cause in Marlborough, that the Pretender's birthday was ushered in with bell-ringing, and his health publicly drunk.

During the period constituting the commencement of the eighteenth century, the subject of non and occasional conformity was much agitated in Marlborough, as elsewhere. The sworn burgesses being required by the mayor to take the sacrament and test for their office, such as refused were not allowed to vote in the election of mayor for that year. It also had the effect of making the numbers of burgesses on the books appear very irregular.

When so large a number of the citizens were dissenters, it was impossible that municipal offices should not often invite their acceptance; and it became customary for dissenters, in order to comply with the requisitions of the Test Act, to receive the communion occasionally at church. On one occasion Sir Humphrey Edwin, then lord mayor, carried the paraphernalia

of his office to Pinner's Hall meeting-house. This daring act of "prophanation" was like a spark thrown into a barrel of gunpowder. Rebuke, abuse, and satire were alike directed against the offence. "Swift, in his 'Tale of a Tub,' satirizes Sir Humphrey Edwin by describing Jack getting upon a great horse and eating custard—custard being a standing dish at a lord mayor's feast." Defoe also stepped into the controversy, fiercely denouncing the "amphibious" nature of such protestants, asserting the absolute necessity for a man's being of one side or the other, and declaring that "either the conformist would mar the dissenter, or the dissenter would mar the conformist." In spite of this raillery, Sir Thomas Abney, another nonconforming lord mayor, revived the practice of Sir Humphrey Edwin, involving himself thereby in a still severer contest with Defoe, who appealed to Howe, Sir Thomas's pastor, to induce him either to vindicate or denounce the practice.

The Test Act is now no more. Sir Michael Foster, of Marlborough, was (as we shall see) one of the main instruments in breaking up new ground, though he lived not to see his principles fully recognised by the legislature. In our own day it excites but little remark to see a lord mayor, unattended with the insignia of office, passing on Sunday morning, across the Poultry, from the Mansion House to the opposite chapel.

CHAPTER VII.

MUNICIPAL HISTORY RESUMED, BEGINNING WITH THE RESTORATION OF CHARLES II.—THE PLAGUE—THE ELECTION OF 1679—SURRENDER OF THE CHARTER—CORRESPONDENCE WITH LORD BRUCE—JAMES II'S CHARTER—ELECTION OF 1689—ELECTION OF 1714—DOUBLE MAYORALTY—THE JACOBITES OF WILTSHIRE—ROADS AND CANALS—LADY HERTFORD AND HER FRIENDS.

THE following list of the council and burgesses, containing, with two additions, the names enrolled at a morrow speech court, holden before the feast of St. Peter, 1662, will exhibit pretty nearly the character of the corporation throughout the Protectorate. The reader is supposed, by this time, to have become acquainted with the principles professed by several of the persons here mentioned. In the third year after King Charles II's return, an Act was passed for the better regulating and well-governing of corporations, its object, of course, being to punish those who had been favourable to the usurpation; in pursuance whereof, a considerable number of burgesses and office-bearers were displaced in Marlborough, to make room for others of the opposite class. They will be indicated in the following list, by stars against their names. [In Bunyan's 'Holy War,' we are told how Diabolus remodelled the captured town of Mansoul, turning out Mr. Conscience, the recorder, and bringing in a new set of aldermen and burgesses. Although Bunyan had principles and not persons in view, it is well known, he drew his materials from the events of his own day. Without, therefore, seeking an absolute parallel in the proceedings either of this or of any other corporation, it cannot be denied that some of the most tried and trusted of the citizens of Marlborough were cast out at this juncture.]

*Nathaniel Bayly, <i>mayor</i> .	*Thomas Bayly.	*John Keynes.
*William Barnes.	*William Blissett, <i>justice</i> .	William Raikes.
*Henry Bayly.	*William Gough.	William Tarrant.
*John Bayly.	*Thomas Hunt, <i>justice</i> .	*Richard Webb.
<i>Council.</i>		
*Philip Bayly.	*Thomas Keynton, jun.	Jeremiah Sop.
Ralph Bayly.	*Benjamin Lawrence.	Stephen Southey.
*Samuel Bayly, <i>constable</i> .	Edward Lawrence.	*Merrick Spender.
*Bartholomew Benger.	Philip Lawrence.	*John Stent, <i>bailiff</i> .
George Blanchard.	*William Lewes.	Thomas Tribbret.
*Obadiah Blissett.	John Man.	*Francis Walker.
Thomas Brown.	*William Martin.	John Waterlin.
Robert Carpenter.	John Potter.	E. West.
*William Chivers.	Edward Purlyn.	John Williams.
Philip Franklyn.	*Edward Randall.	Edward Winde.
*John Hill.	*Walter Randall.	*Humphrey Yorke.
*Thomas Hunt, jun.	Walter Seager.	
Thomas Keynton.	Richard Simms.	<i>Burgesses.</i>

In the room of the persons thus displaced, were nominated the following :—John Hearst, gent., to be mayor ; Christopher Lipyatt, sen., and Anthony Davies, justices of the peace ; William Grinfield, Thomas Evans, Stephen Gilmore, Ralph Bayly, Philip Franklyn, William Tarrant, and Philip Lawrence, to be of the council ; John Withers, Edward Jones, Clement Smith, Thomas Hunt, John Hulett, John Smith, Christopher Lipyatt, jun., William Bryant [or Wyatt?], John Biggs, John Playteed, Thomas Biddle, Edward Carter, James Bartlett, Christopher Withers, John Sadler, William Smith, Joseph Blake, Richard Bath, Joseph Hunt, John Morgan, John Ken, George Blanchard, jun., and William Jones, to be freemen and burgesses.

1663. A "Stuart" council being now paramount in the town, one of their first acts was an endeavour to revive the obsolete custom of compelling all victuallers and alehouse-keepers to supply themselves only from the common brewers and bakers. The order states, that whereas, by the charter of Queen Elizabeth, of famous memory, no persons were licensed to sell or utter bread, beer, or ale, but such as took

the same from the common brewer and baker, by which means the assize of bread, beer, and ale, was observed according to the statute; yet that latterly, consequent upon the late troubles, several of the said victuallers had adopted the practice of making their own beer and bread, and offering it by retail. It was now determined that all persons thus acting contrary to the several good and antient bye-laws to that intent, should not only suffer the penalties originally prescribed but be debarred in future from the occupation of victualler, &c.

A population which had recently stood in the vanguard when war was in the land, was not likely to fall back all at once into the stationary habits of their forefathers, and yield unhesitating obedience to a board of directors whose tendencies were manifestly and rapidly verging towards a system of exclusiveness and self-election. We are not therefore surprised to meet shortly after with another bye-law, fulminated against a large class of the freemen and burgesses, who, contrary to their several oaths and duties, are described as being in the habit of "stubbornly and contemptuously refusing to yield obedience to the good, just, and lawful commands of the mayor, justices of the peace, and common council of the borough," and threatening all future delinquents with expulsion from the benefits and ~~the~~ office of freeman or burgess; and what rendered this law peculiarly offensive was, that to ensure conviction, the oath of only one witness was to be considered sufficient. 8d Oct., 1671.

1665. THE PLAGUE.—"Forasmuch as the sickness daily increasing in the cities of London and Westminster, and other parts of this kingdom, this borough is in great danger of being infected therewith, by the passing of travellers, coachmen, or carriers, through the place, as also by their being received or lodged in inns or private houses. It is ordered that the constables cause diligent watch and ward to be kept both night and day, by all the householders or their deputies in turn, to keep out with weapons all suspected persons from entering by

any of the avenues leading into the town, and to admit none but by order from the mayor. And whereas, several inhabitants have received their children and other persons from London, they shall not suffer them to go abroad, on pain of having their houses shut up as infected. And this precept shall be forthwith published in every ward or street within the borough. 17th July.

“Forasmuch as it appears that the sickness increaseth within this borough, and by reason of the extremity of the heat, is, without God’s great mercy, likely to increase; and for that, as we are informed, the wife of Robert Loker, that died within this town last night, is vehemently suspected by those that were appointed to view the body, to have been infected with the contagion; And for that, as we are informed, she was visited in her sickness by the wife of John Bowshire, baker, and the wife of Philip Harding, and others not certified; therefore the constables shall take care that the families of Loker, Bowshire, and Harding, keep close in their several houses, on pain of being shut up in their houses, or carried to the public pest-house of the borough. And all parents and masters to be cautious how they send their children or servants to school or abroad, in making bone-lace or otherwise, in any general or public house, place, or school, for that purpose used. And all dogs and cats seen at large to be killed; pigs to be kept from wandering; and no carrion or manure to be deposited in the streets, on pain, &c. 18th June.”

ELECTION OF 1679.

The close of Charles II’s reign was remarkable for a series of insane attempts levelled by the government against the liberties of the people, through the infatuated councils of the Duke of York and a popish faction. The first body of representatives who had been returned after the Restoration, were more zealous for royalty than the King himself—more unani-

mous for episcopacy than the very bishops. Regicides were hanged and cut open alive; Nonconformists chased not only from pulpits, but from borough towns; and Puritan phraseology at court triumphantly displaced by ribaldry and prophanity. But the long period of seventeen years elapsing between the calling of Charles's second and third parliaments was productive of a great reactionary movement. Protestantism had steadily set in against the machinations of the Duke of York and his succession to the crown. In the election of 1679, therefore, the contention was fierce and obstinate beyond example. "Unprecedented sums," remarks Mr. Macaulay, "were expended; new tactics were employed. It was remarked by the pamphleteers of the day, as something extraordinary, that horses were hired at a great charge for the conveyance of electors. The practice of splitting freeholds for the purpose of multiplying votes, dates from this memorable struggle. Most of the new members came up to Westminster in a mood differing little from that of their predecessors who had sent Strafford and Laud to the Tower."

A tract came out in 1677 (for the discovery of the author whereof £200 were offered), containing a list of "the principal labourers in the great design of popery and arbitrary power," and professing to point out, in connection with the various boroughs, the influential neighbours likely to influence the coming elections. The sting of the charge lay in the scandals or peculations attributed to each name. The work is generally attributed to Andrew Marvel. He chronicles in this county the following persons:—At New Sarum, Sir Stephen Fox; at Wilton, Sir John Birkenhead; at Hindon, Edward Seymour, the speaker, and Robert Hyde, of Dinton; at Westbury, Thomas Wanklyn; at Devizes, Judge Johnson, of Bowden House; at Chippenham, Francis Gwyn; at Malmesbury, Philip Howard, of the Duke of York's bedchamber, and Sir Thomas Estcourt, said to have been converted to Rome by his young handsome mother-in-law; at Cricklade, Sir John

Ernley ; at Bedwyn, Henry Clark, commissioner of the prizes ; at Ludgershall, Daniel Finch, the chancellor's son ; William Ashburnham, cofferer ; George Legge, of the duke's bed-chamber, and governor of Portsmouth ; at Old Sarum, Sir Edward Nicholas ; and at Marlborough, Sir John Elwes, of whom it is added that he was "very poor, but had a place in Ireland of £300 a year," and was "a court-admirer." It seems he had been elected to represent this town in 1674 (on the retirement of John Lord Seymour) though a London alderman, and residing (according to Burke's 'Commoners') at Grove House, near Fulham. The connection of the family with this borough may have arisen out of the circumstance that Sir Gervase Elwes, brother to the above, had, in the preceding reign, held a mortgage on a portion of the first Lord Seymour's estate. This Sir Gervase, created a baronet by Charles II, married the daughter of Dr. Trigg, of Highworth, and was ancestor of the celebrated John Elwes the miser.

In the contest of 1679, the mayor, council, and sworn burgesses of Marlborough, to the number of about forty persons altogether, elected Lord Bruce and Mr. Thomas Bennett. But 122 other burgesses insisting on their right as inhabitant householders, chose Sir James Hayes and Major Wildman, and petitioned the House for an amended return. The committee of the Commons, after debating on the said petition, reported that Lord Bruce and Mr. Bennett were duly elected, and such election was thereupon confirmed by the House.

Mr. John Barnes, the town-clerk, in evidence, proved election for the past sixty-five years to have been always by mayor and sworn burgesses only. Jeffrey Daniell and others proved the same for forty years. Mr. Forbes, another witness for the corporation, indulged in expressions by which he designed to identify the nonconformists with the refuse of the people. "This rabble," he further went on to observe, "got together, and cried up the two petitioners, not one sworn burgess being concerned, except Mr. Penstone. On the popular

side, Nathaniel Bayly, Robert Butcher, William Pye, and Francis Penstone, were examined as witnesses for election by burgesses paying scot and lot." All these evidences are still preserved in the borough chest, bound up with Mr. Wildman's printed case.

But the person who finally became the principal witness for the select body was Mr. Ralph Bayly, the successor to Mr. Barnes, as town-clerk. It is evident, indeed, that for a long time the principal management of the town affairs was under his able guidance. Reciting on a subsequent occasion the events of 1679, he thus described the mode of election at Marlborough. On the 27th August, 31st Charles II, the sheriff's precept having been delivered to John Hawkins the mayor, the said mayor, according to custom, caused proclamation to be made in two public places in the town, viz. in front of the Guildhall where the county quarter sessions were annually held, and at the corn-market cross, that he intended to proceed on the morrow to the election of two members for the borough. Being assembled accordingly next day in the Guildhall, and all the thirty-seven burgesses being present (excepting John Man who was then sick, James Bartlett, and Richard Wardle), the precept was read and the burgesses' names called over in order. But as they were proceeding to the election, John Foster, Gough, and others that were inhabitants but no burgesses, begged to be heard, and declared that they had somewhat to offer to the mayor; but the mayor absolutely refused to entertain their demand, and having declared Lord Bruce and Mr. Bennett duly elected, withdrew himself from the popular assembly; the body of the people still remaining together and calling for a poll: whereupon the constables, being the chief officers of the borough, now that the mayor was gone, took the names of these new electors, and having polled 122, made proclamation in the ordinary form, declaring Sir James Hayes and John Wildman, Esq., duly elected to serve for the borough.

These "new-found electors," it was asserted by the town-clerk, were a party of alehouse keepers, poor and indigent persons, neither bearing lot nor paying scot in the town, to King, church, or poor. The whole affair was a trick of Wildman's, played upon a sudden, and totally unexpected as well by the substantial and principal inhabitants as by the mayor and burgesses.

In the above affair, one circumstance is particularly noteworthy, viz. the occurrence of Mr. Francis Penstone's name as advocate for the inhabitants' rights, he being all the while one of the common council. To have acted thus publicly in defiance of his brethren was of course a very grievous offence, and as soon as the election was decided, his fault was visited with prompt retribution.

Now, though Master Penstone had sat on the bench some ten years, no one suspecting his disqualification for office, it is delightful to observe the kindling and execution of that righteous ire which followed the discovery of his unparalleled treason. "Forasmuch as it appeareth unto this Court that Francis Penstone hath several times perfidiously betrayed his trust, disclosed the secret debates of the council, contrary to his oath, and hath lately endeavoured to subvert the antient customs and privileges of the borough; and also, as it now appeareth, was unduly admitted a burgess, for that he had not taken or received the holy sacrament of the Lord's supper within the space of a year before his election, nor had subscribed the declaration in the Act for well governing of corporations, and is moreover a person of a turbulent disposition, and hath given out several ignominious and reproachful words against the mayor and the whole government of this corporation: It is, therefore, decreed, &c., that he be expelled from the bench and common council," &c. The order was signed at a court of morrow speech by nine of the council.

The select party were getting somewhat suspicious of the enemy's strength. The step they took this time to right

themselves was very different from the modern tactics of concentrating their forces into the smallest possible focus. The council of 1681, on the other hand, resolved to extend their front; and to this end, suddenly admitted into the number of burgesses thirty-two new persons, remitting at the same time the usual fees of admission. This raised the number of sworn burgesses from thirty-eight to seventy, and the common chest was cheated of £16. Concurrently with this, the council also received five new members; one of whom, Thomas Brunsden, a few years afterwards begged to be discharged, and was accordingly allowed by unanimous consent to resign his position of freeman, burgess, or of the common council. The cause is not stated. 6th Oct. 1686.

SURRENDER OF THE CHARTER.

The seizure and remodelling of a vast number of the borough charters throughout the kingdom, including London, a project commenced by Charles II, and carried on by his brother James II, had of course considerable influence in Wiltshire, where so many decayed boroughs lay open to court rapacity. Marlborough was attacked, like most of its neighbours, and after a show of resistance, compelled to lay its rights and immunities at the feet of its gracious Sovereign. The following letter will explain itself. It is addressed "To the right and truly honourable Thomas Lord Bruce, at Ampthill, in Bedfordshire: these humble presents. To be left at the post-office in London."

"The Corporation's answer to Lord Bruce concerning the charter.

"May it please your lordship,—In all humble obedience to your honourable commands by your letter of the 9th instant, received by the last post, I called a common council, and there communicated the contents thereof to all and every member of this society, who with an unanimous consent return your lordship their most humble and hearty thanks for your honour-

able, great, and constant care of, and kindness to, this our corporation. Yet we all humbly conceive that we cannot, without great breach of trust, resign up our charter to his Majesty, nor are we any wise conscious to ourselves of any cause that can induce us so to do, for that the many, great, and antient immunities and privileges thereby granted, ratified, and confirmed to us, concern not only ourselves but the whole body of this borough, and each particular member thereof; and such as, in our present apprehensions, are so many and so good as that we cannot with modesty demand any further or more to be added thereunto. Nor, if we should desire it, are we at present able to be at the necessary expense thereof, our chamber being much indebted by our late great expense in re-edifying our grammar school, erecting of an alms-house, and the relief of our poor, with daily increase thereof. Therefore we, in all their names, make it their humble and earnest request, that your lordship will be pleased to intercede for them with his Majesty, that he will be graciously pleased still to own us as his Majesty's most dutiful, loyal, and obedient subjects, and to continue his grace and favour towards us and this his most antient corporation, in the future enjoyment of such antient rights and privileges without any further trouble or expense; wherein your lordship will further oblige us all to remain as I am, your lordships at all commands to serve you to the utmost of my power.

“ROBERT CARPENTER, Mayor.

“*Marlboro'*, 17 Sept., 1682.”

The boroughs having resigned their rights, the next thing was to petition that the King would please himself in their reappointment, and in the nomination of such corporators as would serve his purpose. The Marlborough presentment to that effect is dated in February, 1688, setting forth that they are an antient borough and corporation by prescription, comprising two populous parishes held in fee-farm to the value of

nearly £300 per annum, that they chuse two members by the voice of mayor, common council, and sworn burgesses, to the exclusion of all the other inhabitants. That they chuse their other offices yearly, and hold pleas of all personal and mixed actions without any limitation, &c. &c. That they are advised by counsel, that the surrender of their charter will totally destroy the body of the corporation, who will thereby lose their antient prescriptions, and their lands will also escheat. That they attended, with their charter, his late Majesty Charles II, and his present Majesty James II, who were graciously pleased to deposit the same in the hands of the Right Honourable the now Earl of Ailesbury, without any actual surrender thereof. That the corporation, soon after the blessed Restoration, were regulated by his Majesty's commissioners, the Right Honourable the Lord Seymour, Sir John Ernley, and others; that many of the magistrates put into the government of the town by that commission were yet alive, being, together with the present mayor, persons of loyalty and integrity, and employing the revenues of the chamber for the relief of the numerous poor.

They then proceed to make twelve humble proposals as to the form and character of the new charter, no doubt after an authorized pattern suggested by the crown. Into these we need not go, as the ignominious expulsion of the Stuarts immediately afterwards scattered their counsels as well as their charters to the wind. But Lord Bruce's reply to the mayor on the 14th Feb. is worth reciting.

“MR. MAYOR,—According to your desire, I presented (with Sir John Earle) on Thursday morning, your address to his Majesty, who was pleased to express himself very obligingly, and was pleased to remember how early you were in making your addresses to his late Majesty. I gave it to the secretary in order to put it in the ‘Gazette,’ on Monday. Your charter I have in my custody, and then may go on as if it were in

your town : and when the hurry of business is over, I will speak to my attorney about the new one. It will be time enough towards the long vacation, since I take care of your present one. I shewed Sir John Ernley your letter I received yesterday, and we are both very sensible of your civility and kindness. It was proposed to me by my Lord of Pembroke and others, to serve for the county, which I will not refuse, if in case the county think me fit to serve them. I intend to be at the assizes, God willing, where there will be a general meeting in order to it. My Lord Cornbury intends to be there also, for the same purpose. I do not doubt but that he will be very acceptable, as also that he may have your assistance, in case it be agreed on at the meeting. I hope some of your body will be there on your own business : if not, I should desire it. I am your most assured friend to serve you.

BRUCE.

The Marlborough charter was sent down only a few weeks before King James's abdication. With a view to second his attack upon the boroughs, and secure a Popish majority, James proceeded, in the autumn of 1687, to dismiss several of the lord lieutenants of counties, previous to issuing writs for a new parliament. Among others the Earl of Pembroke was expelled from his post in Wiltshire, although he had so recently served the Crown with fidelity and spirit, against the Duke of Monmouth. But the King was utterly non-suited. The country gentry almost unanimously scorned to make any engagements which should endanger the protestant faith. The Earl of Yarmouth reported from Wiltshire, that out of sixty magistrates and deputy lieutenants with whom he had conferred, only seven had given favourable answers, and even these seven could not be trusted. As the last shadow of his power was passing from him, James replaced in all the counties the recently ejected justices and lieutenants, and on the 17th Oct., 1688, published a proclamation, restoring to

the abused corporations their antient charters, franchises, and rights.

In what manner his charter to this town would have been afterwards understood, had it continued in force, it is difficult to surmise, for it incorporates "the burgesses *and inhabitants* by the name of mayor and burgesses." It contained the usual arbitrary clause, common in James's charters, giving to the King, by order of his privy council, the power of removing the members of the corporation at his pleasure, a stipulation which, it has been contended, was sufficient in itself to render all such charters void. The main design of James's government, as is well known, was to degrade the established church. This he sought to effect by conciliating the dissenters, and proclaiming a general toleration, embracing the catholics. After the illegal seizure of the charters of English boroughs, already described, the names of several dissenters were therefore inserted in the new corporation lists; and in this town, as in many others, it was confidently expected that the distinction would flatter their vanity, and enlist their co-operation with the Court. But the dissenters decided, as they have ever done, in favour of protestantism. They supported the Anglican bishops, and scorned alliance with a popish King. There was then living in Marlborough a family who had long distinguished themselves by adherence to the principles of the Reformation. These were the Fosters. The name has already occurred in the contested election of 1679, and in the succeeding age it became more than ever conspicuous in the person of Sir Michael Foster, the eminent judge, and the brightest name in the biographical annals of the town. When the Marlborough charter came down, John Foster and Michael his son [father of Sir Michael], both being attorneys, were found to be named as aldermen, the additional office of town-clerk being offered to the former. They both unhesitatingly refused to accept office, and their decision of conduct was justified by the events which the very next month brought

forth, when the proclamation for restoring all the old charters caused the removal of the new burgeses. A few days more, and James was a fugitive, and it was the Prince of Orange's turn to make proclamations.

THE REVOLUTION, 1688.—When James II ordered his army westward, to oppose the invasion of William of Orange, he appointed one battalion of dragoons to quarter at Marlborough under the command of Sir John Fenwick, but no blow was struck in this neighbourhood. The King disheartened by desertions, retreated on his capitol, and William entered Salisbury in triumph. At this point in the campaign, the town of Hungerford was, after considerable negotiation, selected as the scene of a conference between the Prince and James' commissioners. William therefore repaired to Littlecote, whither he had been invited by Alexander Popham. The conference lasted several days, and must not only have constituted an all-absorbing topic in Marlborough, but probably also filled the town with Dutch troops. King James's commissioners were quartering at Ramsbury Manor-House, when William arrived at Hungerford. The Prince's route from Salisbury had been through Collingbourn, and thence to the seat of the Earl of Craven, at Hampstead-Marshall, reaching Hungerford on the second day, Friday, 7th Dec., 1688.

THE CONVENTION PARLIAMENT.

It has been truly said that the return of William of Orange's first parliament was the unbiassed act of the nation. The Prince prudently abstained from, and honestly disavowed, any, the smallest exercise of that odious interference with long established principles which had rendered the Stuart's rule intolerable. But for this very reason he was also compelled to allow a multitude of minor abuses to continue flourishing in their native luxuriance or to work out their own reform. Indeed he had enough to do, without attempting to adjust those subordinate intricacies of the political machine which

more fittingly constituted the province of the lawyer. Amongst these irregularities may be reckoned the gradual absorption of the boroughs into the hands of the aristocracy, which had been long in process. We find, therefore, that much of the early business of the House after its meeting was to adjust the double returns, and in most cases too, these returns were decided in favour of the select bodies. Devizes was one of the first so treated, and then followed Marlborough.

On the 16th January 1689, in accordance with the precept of the "most illustrious Prince William of Orange," the Right Hon. John Ernley, chancellor and under treasurer, and George Willoughby, Esq. (and afterwards knight) were elected to appear and sit at Westminster; James Cutts, Esq. being mayor.

Sir James Hayes and Major Wildman, the unsuccessful candidates in 1680, petitioned also against this return; and a copious packet of documents relating thereto is still preserved among the borough records, though it is to be observed that several mentioned in the schedule of contents are (or were recently) not extant in the chest, for instance, the grants "to the good men of Marlborough" by Henry III, and that to the constables. The petitioners for the "populacy," as they were termed, were Nathaniel Bayly, gent., Tobias Chandler, gent., Robert Butcher, gent., Robert Gough, gent., and Matthias Fowler, gent., in the behalf of themselves and of the major part of the burgesses and inhabitants of the borough.

The two successful candidates were not altogether new to the Marlborough voters, having been already returned to James II's last parliament. The protestant feeling throughout the country had run so high just at that juncture, that even the Ailesbury interest suffered a brief period of eclipse in this town, or rather perhaps was allowed for a season to be ignored.

Thomas Bruce the second Earl of Ailesbury, into whose arms Charles II had fallen when seized with mortal sick-

ness, remained steadily attached to the fortunes of James II throughout the busy scenes of the Revolution. He it was who brought the fugitive King back from Feversham to London, and accompanied him in his barge to Rochester, when he more formally abandoned the government. The earl on returning refused to take the oaths to William, and in 1695 was arrested on suspicion of being concerned in Sir John Fenwick's affair. The alarm occasioned by this event was said to have precipitated the death of his countess in childbirth. He at length obtained King William's consent to reside at Brussels, where he contracted a second marriage, and died at the age of eighty-five. A granddaughter resulting from this second marriage afterwards became the wife of Prince Charles Edward Stuart, commonly known as the "Young Pretender." But not to anticipate events, let us recur to the election of Sir John Ernley, for the purpose of observing that the substitution of his name in place of that of Bruce, indicated no change in the political sentiments then dominant in the Marlborough corporation. Sir John Ernley, of Whetham, was in fact related to the family at the castle; and, through them, to Lord Ailesbury's first wife, having in 1672 married the lady Elizabeth, widow of Charles, second baron Seymour, of Marlborough Castle.

In preparing to oppose the petition of the populars, Mr. Ralph Bayly, the energetic town-clerk, brought up all his forces to fortify the position of the sitting members. Mr. Barnes, his predecessor in office, who had given evidence in 1679, was now ninety years old and too infirm to go abroad, but his testimony by proxy was not to be neglected, and constituted in fact part of the evidence produced before committee. Mr. Bayly engaged in this new controversy with all the confidence which we might expect in a veteran who had well defended and long maintained his post; not that he neglected any necessary precaution whether in the way of documentary proof or instruction to counsel, but being well aware that the

recalling of James II's charters had thrown the doctrine of representation back upon its old ground of precedent, and that the law for one borough was no law for another, he rightly judged that family interest such as that of Seymour and Somerset would carry all before it. But as his nominees were comparatively new men and not supposed to be versed in Marlborough cabals, he commences his instructions to them in the following letter, which, though it happens to be unendorsed, is evidently designed either for Sir John Ernley and Sir George Willoughby, or for their counsel.

“HONOURED GENTLEMEN,—Our corporation always chose members in parliament by the mayor and sworn burgesses only, by prescription. We have records ready to produce, which prove it in all the parliaments, since the 19th year of Henry VII, down to the parliament chosen in the year 1679, when, and never before, Sir James Hayes and Mr. Wildman endeavoured to set up a popular election for themselves here against the then Lord Bruce and Mr. Bennett, when chosen here by the mayor and sworn burgesses only, and were so returned by indenture under our common seal, as all others were here so chosen and returned ever since that 19th of Henry VII, to the number of twenty-eight several parliaments; which election was, upon hearing of both counsel and witnesses on both sides before the then committee, by Mr. Treby, the chairman to that committee, reported to the House that the Lord Bruce and Mr. Bennett were duly chosen, and their election confirmed by the whole House of Commons, *nemine contradicente*, and Wildman and Hayes rejected, as by the journal of that House, 24th Dec. 1680, appeareth. We have no grant by charter of any power to choose members of parliament, but all our records for all that time prove our prescription to be by mayor and sworn burgesses only. Inclosed is our old breviat; and when we have your order we will bring up all our evidences, together with our

charter of 18th Queen Elizabeth, which is also confirmed by Act of parliament that year, and whereby all our antient privileges are fully confirmed. Pray pardon the badness of my paper. Fear nothing of the issue in this cause, but be assured all things shall be ready when your commands therein, . . . our mayor, or his and . . . Your most humble servant,
"Marlborough, 28 Jan. 1689. ROLFE BAYLEY."

On the first of April, Colonel Birch reported to the House that the question was whether the right of election lay in the mayor and a select number of burgesses, or in the populace paying scot and lot. The petitioners insisted that the number of burgesses was uncertain, and that as there was no mayor in Marlborough before the charter of Henry IV, therefore the right must originally have rested with the inhabitants; and they produced returns 28th Edward I, "*pro Burgo*;" 33d Edward I, "*pro communitate Burgi*;" 6th Edward II, "*pro Burgo*;" also a charter of Elizabeth, granted to "mayor and burgesses" to govern the town, with several other charters of *insperimus*; and 23d October, 1640, a return under the *common seal*.

For the sitting members it was urged that the right was with the mayor and burgesses, who were about fifty in number; and various returns were produced under the seal of "mayor and burgesses." Mr. Bayly, the town-clerk, was then brought forward to prove that he had lived in Marlborough ever since the year 1636, that is to say for fifty-two years; and though he had taken the poll on several occasions, he had never heard of any popular election till the pretence was set up in 1679. Similar testimony was adduced, as being the evidence of two men deceased. There were also recited the circumstances of the return of Lord Bruce and Mr. Bennett on that occasion, and the report of the House thereupon in December, 1680. Mr. Bayly then went into a recital of various privileges granted from time to time to the "burgesses," in order to

prove, not that all burgesses ought by right to have been in possession, but that the present holders of them were the only lawful inheritors, because "sworn." His account of these grants was all true enough, but it just left unexplained why it was that all legitimate burgesses had so long ceased to be sworn. He proved, *inter alia*, that burgesses were always sworn in, and paid a fine on admission; that members of parliament were always chosen by such sworn burgesses; that the burgesses were incorporated, as is presumed, long before Henry IV's time; that they had privileges granted only to themselves, such as being toll-free, having power to hold fairs and markets; that they held several messuages, lands, and tenements worth about £100 per annum; that they had a court of record by prescription, where pleas were held before the mayor and sworn burgesses only, of real, personal, and mixed actions, without limitation; that they had a guildhall and a common prison also by prescription; that they were incorporated 18th Elizabeth, by the name of mayor and burgesses; that they had power to choose justices of the peace, and to make bye-laws, &c.; that none but sworn burgesses had ever pretended to choose members of parliament, till the attempt was made, in 1679, by Hayes and Wildman. And these statements end (in Mr. Bayly's written evidence) with the following "*Note*.—Many of our antient records were lost in the late wars and in the great fire here, yet we prove members chosen and sent to thirty several parliaments by mayor and sworn burgesses only. And Sir Edward Coke was clear in judgment, that, by grant or custom, a selected number of burgesses may elect and bind the residue."

Another fact mentioned, was as follows: "My Lord Coke, 2d Inst. fo. 101, says that this town of Marlborough in our books is called a city; and the freemen thereof, citizens; and cites 39 Edw. III, sec. 18, where one John, a citizen of Marlborough, brings letters against one of the men of Southampton for distraining a vessel of wine, setting forth that King Henry

by his charter granted to those of Marlborough to be toll-free" [see page 99]. It does not appear that the select body had any theory to build upon this document, nor indeed why it was produced, as it rather told against them. The term "city," by the way, is not of much significance in old deeds. In the foundation-deed of the grammar-school, Marlborough is called a city, though for centuries before it had been termed "*villa*," "*burgus*," and "*villata*."

The opinion which the committee finally expressed was, that the right lying with the mayor and a select number of the burgesses, Sir John Ernley and Sir George Willoughby were duly elected. [Sir George died in January, 1695, and Sir John in 1697.]

Thus it appears that the select body were the party most benefitted by the abrogation of James's charter. They could now, reposing on their pre-existing customs, turn round on the mass of the deprived householders and designate them by the offensive term of "the populacy;" and what is more surprising, the counsel for the popular candidates appear to have been so unaware of the real merits of their case, and of the characteristics of burgesship, which even the arbitrary charter of James seemed to recognise, as to resort to legal subtleties of the most flimsy kind, and to statements of which the documentary evidence was not in their hands. The assertion, for instance, that there was no mayor in Marlborough before the charter of Henry IV, was not only untrue in fact, but perfectly immaterial to the question. Neither could it fortify the next assumption, viz. that members had been returned immemorially, which also was not true: and he argues against the right in the mayor and select burgesses by only showing that they could not prescribe for it. The premises, therefore, failing, and the argument not applying, it is no wonder it was disregarded. Now for the other side.

Observations on Mr. Bayly's evidence for the select body, "*Burgesses toll-free*." Here his argument was defective, for

the privilege of being toll free at fairs and markets was never confined to the corporation, but was then, and continued long after, down till the period of municipal reform, to be exercised by any inhabitant that chose to claim it. Indeed in 1741 the mayor, Thomas Brunsden, drew up a certificate of the immunity, to be presented at fairs by any of his brother inhabitants who required it. (See under that date.)

"Incorporated 18th of Elizabeth." This statement was true enough, but it stultified the previously expressed opinion that incorporation had existed long prior to Henry IV. In his instructions to counsel, Mr. Bayly had even given it as his opinion that Marlborough was incorporated as far back as Richard I's time, a very useless supposition, for this constant endeavour to prove incorporation time out of mind only landed him in a period when all the boroughs were open. But it had become very much the habit of the lawyers about this time to regard the two terms, "borough" and "corporation," as synonymous. By mystifying the subject, therefore, with this doctrine, they were relieved from the necessity of entertaining the inquiry to which the petitioners had drawn their attention, as to what parties constituted the *"Communitas burgi"* in Edward I's time. It had only to be shown that modern corporators were in possession, and for this the parol evidence of a town-clerk going back fifty years was as good as a witness for 500 years.

"Burgesses sworn in and paid a fine on admission." In early times all freemen, whether dwelling in towns or not, took the oath of allegiance to the Crown. A man was not a burgess because he was sworn, but he was sworn because he was a freeman, that is, not a serf. When in process of time this universal swearing became obsolete, the practice which grew out of it, of selecting some persons in a borough to be sworn in, and rejecting others, was a contrivance for reducing the holders of the benefit within a smaller compass. Simple "burgesship was never an *office*," and, as such, required no

oath. When the law no longer rendered it imperative on a man to be sworn in order to prove his freedom, neither was it essential for the purpose of proving him a burgess. Nevertheless as the practice had by this time obtained a very wide currency among the boroughs of England, and was moreover interlaced with the theory of corporation, we cannot wonder that the committee on the Marlborough case decided as they did. A remarkable and perhaps unique illustration of the confusion of ideas begotten by this doctrine, that burgesship was created by the formality of an oath, long existed in the neighbouring village of Ogbourn, where the burgesses of Calne having for some time been in the habit of attending the manor-court of Wallingford (held at Ogbourn) actually came at last to consider that their being sworn there, as tenants of Wallingford Manor, gave them a title to corporate rights at Calne. (See this curious case in the Appendix.)

"None but sworn burgesses ever pretended to choose members of parliament before 1679." The wording of the 'Commons' Journals' in reference to the petitions of 1643, without absolutely convicting Mr. Bayly of inaccuracy, certainly indicates an election contest, and that the inhabitants were insisting on their rights. (See under that date.)

1695. 3d December. A petition was read in the House from Sir Giles Long, Bart., setting forth that himself, together with William Daniel and Thomas Bennet, had been candidates at the recent election; but from the omission of due notice being given to the burgesses, and the employment of threats, an undue return was effected, whereas he ought to have been returned instead of Mr. Bennet.

1702. 11th November. John Jefferies, Esq., being chosen knight of the shire for the county of Brecon, and also burgess for the town of Marlborough, made his election to serve for Brecon. A new writ was therefore issued for Marlborough.

1708. 29th November. The Right Honourable the Earl of Hertford being chosen a knight of the shire for the county

of Northumberland, and also a burgess for Marlborough, made his election to sit for the county. A new writ, therefore, ordered for the borough.

1710. 5th December. A petition was presented from John Pratt, sergeant-at-law, setting forth that he had been duly elected and ought to have been returned, but the Lord Bruce and James Bruce, Esq., by divers illegal practices, procured several electors to vote for themselves, and the mayor hath returned them in wrong to the petitioner; and praying redress:—Referred to the committee of privileges and elections.

11 Anne, 1712. It was decreed in council, that whereas the corporation had been much impoverished by the undue management and evil practices of the late Majesty's [William III's] common councilmen of this borough, by making leases of some of their lands at rates below their value; therefore in future there should be no lease, mortgage, alienation, or other disposition of any of the said lands and state goods, &c. unless executed at one of the morrow-speech or mayor's speech court-days; nor the seal be used for such purposes except on those days. And that the rents and profits be now paid to William Bayly and John Fowler, and not to William Ragbourn. Signed by fifteen names, beginning with Nicholas Kimber [two parties were at this time contending for the mayoralty].

1716. 30th March. A petition from Gabriel Roberts and Francis Hayes, stated that though they had been elected, and returned by John Fowler, the mayor, yet that Roger Williams, a pretended mayor, and unqualified for the office, having got hold of the precept, had returned Sir William Humphreys and Joshua Ward, Esq.,—And praying relief, &c. At the same time was read a petition from John Fowler, complaining of the irregularity. In the February following, the committee were discharged from prosecuting this inquiry as far as Mr. Hayes was concerned; and on the 2d of March, the petition of John Fowler and the burgesses was withdrawn.

To explain the above expression of "a pretended mayor," it is necessary to state that, about the commencement of the eighteenth century, great want of agreement existed in numerous corporations, arising out of the political strife of the day between Jacobites and Hanoverians. A bye-law made at Marlborough in the time of Queen Elizabeth ordained that in the nomination of a new mayor yearly, the council should select three of the fittest men for the office, and that out of these three, and from no others, the body of the burgesses should then declare the man of their choice for the ensuing year. This antient practice was now growing out of favour with the majority of the burgesses, though some, principally among the council, as might naturally be expected, still fought stoutly for their long-accustomed privileges. The following documents will explain themselves:—

At a court of morrow speech, 10th August, 1711, present nine of the council and twenty-seven burgesses. At this court it is ordered by Roger Williams, gent., mayor, That he doth not allow nor approve of the votes given by the major part of the burgesses for the electing of Mr. Kimber, mayor, for the year ensuing, because not known otherwise; but one of the three on election *supra* ought to be mayor for the year ensuing.

At a similar court, Sept., 1711, occurs the following:—
Mem. Nicholas Kimber, gent., William Garlick, Robert Maggs, John Austin, Solomon Clark, Richard Munday, William Bayly, John Clark, Walter Shropshire, John Bowshire, Thomas Hunt, John Fowler, Francis Bowshire, jun., Edward Goddard, Thomas Smith, sen., John Smith, Edward Jones, and Thomas Smith, jun., being the major part of the burgesses within named, did severally in their own proper persons declare Mr. Nicholas Kimber duly elected; and did demand of Mr. Williams, the present mayor, to swear Mr. Kimber mayor for the year ensuing, they and every of them protesting against Mr. Horner; notwithstanding which the said Mr.

Williams proceeded, and commanded the town-clerk to swear Mr. Horner, which was done accordingly, notwithstanding the protests made by the major part of the burgesses aforesaid to the contrary, at which time they and every of them demanded a sight of the roll of orders, which was denied to be shown forth unto them at that time, and afterwards the court was dissolved.

In spite of Mr. Williams, the party declaring for Nicholas Kimber then proceeded to and had sufficient power to enrol on the morrow-speech court-book, a resolution utterly abrogating the long-standing bye-law for the electing of a mayor from a chosen trio, and declaring that in future all such elections should be conducted according to the form in use before the said bye-law was enacted. By the operation of this return to old customs, Walter Shropshire succeeded Kimber, and after him John Fowler, whose mayoralty was the period for the irregularity above noticed under the form of a double return of members to parliament. But in order to be even with his enemies, Master Roger Williams, who, it appears, had retained sufficient influence in the borough to get himself appointed to the mayoralty in 1712, forcibly retained that position for three or four years, and exercised the power of at least one of the seals. Thus there were two mayors contending for supremacy in the Queen's town of Marlborough ; but it is to be observed, similar scenes were enacting in other parts of the country. Mr. Hatcher describes it as taking place in Salisbury ; and in Devizes, tradition has supplied the additional feature of a personal conflict which is said to have raged in St. Mary's churchyard in that town, between the partizans of the rival claimants.

In 1712, a *quo warranto* had been issued against Roger Williams for unlawfully usurping the office of mayor, and was pleaded at Westminster, in Easter term, in the 13th of Queen Anne. The parchment judgment roll of this *quo warranto* is in the office of the town-clerk. From this document (which

from its extreme length it would be superfluous to recite) it appears that Roger Williams remained in office for several years, for the information is for taking on himself the office in 1712 ; he executed the return of 1714, and the *quo warranto* is not decided till 1715. The verdict as to the first issue was that the burgesses of the borough were a body corporate, by the name of mayor, burgesses, &c. &c. The verdict as to the second issue was, that Richard Edney was not mayor on the 14th August, 12th of Anne—that is, previous to Williams's taking office. The verdict as to the third issue was, that the burgesses did not elect Williams in manner and form as he alleged. And as to the fourth issue, Roger Williams was not sworn into the office of mayor in manner and form, &c. Therefore, &c. Given at Salisbury, before Littleton Powis, Knt., Harvey Parker, Esq., Justices of the Assizes for Wilts. And the jury being demanded, certain of them, to wit, John Skate, Robert Hancock, Joseph Hitchcock, and William Skate, came and were sworn : but the rest not appearing, therefore others of the bystanders, for this purpose elected at the request of Edward Northey, Knt., Attorney-General of the King, and by the command of the justices, were appointed by the sheriff and sworn, to wit, Robert Grayley, Jasper Strong, Thomas Blandford, George Welstead, William Gray, John Lane, William Bowles, and William Frowd.

This verdict evidently adjudged the bye-law of 20th Eliz. to be bad, which was probably so determined by holding the bye-law of 1712, 11th of Anne, to be a good repeal and alteration of it. By the chancellor's decree in 1714, given in the first part of the case, it is evident there was some doubt who was the mayor. The charter of Elizabeth directs that the old mayor should swear in the new one : the verdict on the *quo warranto* was, that Edney (Williams's predecessor) was not mayor ; therefore Williams was not legally sworn, nor could Williams swear in a successor to himself.

ELECTION of 1714-15.—The members of the corporation, who in 1718 unanimously returned the Hon. Robert Bruce and Gabriel Roberts, became in the following year much divided in sentiment, apparently through the machinations of Roger Williams. Of the four candidates who then appeared, Gabriel Roberts had 21 of their votes, Francis Hayes 15, Sir William Humphreys 14, and Joshua Ward none: yet, as stated above, page 352, Roger Williams took upon him to return the two latter, on what ground it is impossible to state. In accordance with the more legitimate poll, headed by the rival mayor, John Fowler, there is still extant among the corporation papers the original indenture of 27th January, between Matthew Pitts, Esq., sheriff of Wilts, and the mayor of Marlborough, returning Gabriel Roberts and Francis Hayes, and signed with the *old* seal of the corporation. But in the Petty-Bag Office is preserved another indenture, under the *new* corporation seal (the seal engraven with the date of 1714, and the same as that ordered in the bye-law of 1727). This indenture, of the same date as the former, returns Sir William Humphreys and Gabriel Roberts, and has, appended to it, the names of forty-one witnesses, none of them belonging to the corporation, but apparently the “populars” of the town. Of the two following lists, the first represents the members of the corporation; the second, the subscribers to the indenture in the Petty-Bag Office, or the populars.

John Fowler, <i>mayor</i> .	Richard Kimber.	Walter Shropshire.
Robert Cowsey.	William Bagbourn.	Henry Stent.
	Roger Williams.	<i>Council.</i>
Jonathan Austin.	Solomon Clark.	Richard Martin.
Robert Bayly.	John Dore, <i>ex oppido</i> .	Richard Monday.
William Bayly.	Edmund Goddard.	William Pitt.
Francis Bowshire.	Hugh Hankinson.	Richard Rogers.
John Bowshire.	Thomas Hunt.	John Smith.
John Bowshire, jun.	Edmund Jones.	Thomas Smith.
John Clark.	Robert Maggs.	Thomas Smith, jun.
	John Stent.	<i>Burgesses.</i>

John Bernard.	Henry Delafield.	James Keynton.
George Bayly.	John Eyles.	Samuel Lansbury.
John Bayly.	John Farnell.	Nathaniel Merriman.
Roger Beckingham.	John Furnell.	Thomas Mills.
Edward Bell.	John Greenland.	Christopher Petty.
John Bell.	Thomas Grinfield.	William Russ.
Thomas Bird.	John Hancock.	Benjamin Smith.
John Blissett.	Thomas Hancock.	Richard Smith.
Jeremiah Burgess.	Samuel Hawkes.	Samuel Smith.
Benjamin Butcher (or	Joseph Hookley.	Thomas Spackman.
Bowahire).	Francis Holmes, jun.	Henry Turner.
Andrew Calley.	Thomas Hunt.	Gunter Wheeler.
Thomas Clark.	Dionysius Hynde.	Nathaniel Wilkins.
Robert Croom.	Thomas Kent.	Edward Williams.

Mr. Hayes's retirement looks like a compromise, and certainly resulted in the permanent seating of one of the nominees of each rival mayor, as appears by the following decision in the House, 13th May, 1717.

1717. 13th May.—The committee of elections report through Mr. Hampden, that it appeared twenty-one burgesses had voted for Mr. Roberts, and none for Mr. Ward; that Marlborough was a borough and corporation by prescription; the right of election in the mayor and burgesses, &c.; That Mr. Ward not appearing, nor any counsel for him, the committee were not informed upon what pretences he was returned. It was therefore "Resolved, that Joshua Ward, Esq., not being duly elected, the return should be amended in favour of Gabriel Roberts, Esq." Such indeed was the natural working of the corporation poll. Hayes having retired, and Ward being in a minority, Roberts and Humphreys of necessity stood. What then was the use of the return by the populars, nominating the same two gentlemen? Was it needed to support Roger Williams's party? and was it, by his influence, inserted in the court-book, till subsequent events showed its inutility for that purpose, or caused its expulsion as an irregular entry? The state of the book suggests something of the kind. At the court record for the 18th January, there is a mere entry of

the style of the Court, with a list of the burgesses, and this finishes the page. The next leaf appears to have been torn out, but it has left on the previous leaf the impression of a seal, apparently that of the date of 1714. The conjecture is, either that it contained the record of a poll, or the order for the adoption of the new seal. The matter is not worth further investigation. It sufficiently indicates the total disturbance of public opinion, at the period of George I's accession, as to the legitimate fountain-head of power. While a ridiculous contest for the mayoralty was agitating many a borough, the elements of a far sterner strife were gathering in France and Scotland, and the very crown of England was about to hang on the wager of battle. To the movements of the Jacobites, so far as the west of England was concerned, it will now be necessary to advert.

THE PRETENDERS AND THEIR ADHERENTS.

Among the supporters of the rebellion of 1715, Lord Mar, Lord Lansdowne, the Duke of Ormonde, and Sir William Wyndham,—the two latter were decidedly the most influential. It is true that there were several Catholics in the county of Wilts, who, having fought for Charles I, were watching for a favourable opportunity to declare for his descendant; but the rising in the west was so ill concerted, that they had no occasion for the display of their principles. These were the Stourtons, Castlehavens, Welds, Cottingtons, Talbots, Arundel of Wardour, Estcourt, and a few others. To these must be added the name of Bolingbroke of Lediard Tregoze. James Butler, second Duke of Ormonde, whose first wife was a daughter of Lawrence Hyde of Fasteerne, near Wotten Bassett, was lord lieutenant of Somersetshire; and from his long-established reputation for energy of character, more was expected by the partizans of James from his movement in the west than even from the outbreak in Scotland. In his letters to the Continent, he had promised to keep his ground to the

last, and if driven from London by fear of arrest, to hasten to the western counties, the chief seat of his influence, and then put himself at the head of his friends. "He had already," says Lord Mahon, "concerted measures for seizing Bristol, Exeter, and Plymouth, had assigned stations to a great number of disbanded officers in his interest, and had even provided relays of horses on the road, to secure his rapid progress. But though personally a brave man, at the last moment his heart failed him. He slunk away, and crossed over to France in a small sloop, without leaving any orders whatever for those who had confided in his management. His arrival at Paris struck a great damp on the Jacobite cause." (*History of England*, i, 206.)

Shortly after, Lord Lansdowne was committed to the Tower, and the King on the 21st September requested the House to arrest six members, among them Sir William Wyndham. He was seized at his house in Somersetshire, while asleep in bed ; but on pretence of going into the next room to take leave of his wife, who was with child, he made his escape through a postern. A proclamation, offering a reward of £1000 for his discovery, was now issued, and Sir William finding that one of his letters had been intercepted, surrendered himself to Lord Hertford, his brother-in-law. The matter was then laid before the privy council, the King himself being present ; and the Duke of Somerset, the father of Lady Wyndham, offered to be responsible for the conduct of his son-in-law. But though Somerset stood so high as a Protestant peer, as a Whig, and as a friend to the Hanoverian succession, his mediation was not accepted, and Wyndham was put under arrest. Troops were meanwhile marched into the western counties, Bristol was guarded by the Earl of Berkeley, who there seized several chests of arms and about 200 horses, and arrested several active agents. The like severity was exercised at Oxford.

Thus ended the insurrection of 1715, so far as the west was

concerned. No rising, in fact, took place here at all; and when Ormonde came off Plymouth, according to appointment, he found no one ready to meet him, and was refused, says Bolingbroke, a night's lodging in a country which he had been told was in a good posture to receive the Chevalier himself. In the north of England and in Scotland, affairs took a less pacific turn, and resulted, as is well known, in the invasion of the elder Pretender. On this it will be unnecessary to enlarge.

In the following year, the temper of the town of Marlborough may be judged of by a demonstration bearing the following form: "1716. 24th April. A petition from the mayor, burgesses, and inhabitants, sheweth, That whereas by our antient constitution, it has been esteemed our greatest security to preserve our liberties, to have frequent and short parliaments; and hearing that there is a bill introduced for prolonging the present parliament: Therefore, they pray that it may not pass into a law, but that the Triennial Act may remain in force, as being the greatest preservative of our liberties, property, and religion." Triennial parliaments had been introduced in 1694, suggested probably by the long period of seventeen years to which Charles II had prolonged his second parliament. They had now been tried for more than twenty years, and found productive of much inconvenience. There is no evidence to show that the House of Commons had proved itself more watchful or public-spirited during that epoch, than either before or since. On the contrary, it may be asserted that the grossest and most glaring cases of corruption that could be gleaned out of our whole parliamentary annals belong to those twenty years. Such at least is Lord Mahon's assertion. But it was not for the cause of purity that the whig government of George I proposed the restitution of septennial parliaments. "Theirs was a case of pressing and immediate danger. A rebellion scarcely quelled; an invasion still threatened; parties in the

highest degree exasperated; a government becoming unpopular even from its unavoidable measures of defence. Such were the circumstances under which, according to the Act of 1694, the parliament would have been dissolved, at the risk of tumults and bloodshed, a most formidable opposition, and perhaps a Jacobite majority." (*Ibid.* 800). On the other hand, the triennial system was ably defended in the House, but the petitions in its favour were very few. Marlborough, as stated above, and nine other boroughs, appear to be its only defenders from the country; none of them, except Cambridge, being places of much importance, and one-half of them either mutilated or extinguished under the Reform Bill of 1832. Events which occurred in Marlborough shortly after this period, viz. in 1719, would *prima facie* suggest the inference that the undisguised principles of the House of Ailesbury at the time of the Revolution were still operating in this neighbourhood, and fortifying, in their resistance to whig principles, a powerful minority in the borough. But in truth, the personal rancour then running riot through the country, and splitting society into two parties, and from the highest circles descending to the meanest, affords a sufficient solution of any extravagance occurring in a town which had so long and so often been the scene of civil strife, and where the doubtful state of the burgess question, irrecoverably unsettled by Stuart interference, supplied mutual weapons to the belligerents. Indeed the Ailesbury family do not outwardly appear to have sided with others of the principal families in Wilts in resisting the Hanoverian succession; and we might go still farther, and say that the list of catholics who refused to take the oaths to George I, does not exhibit, so far as this part of the county is concerned, any remarkable outburst of enthusiasm in the Jacobite interest. It is true that a granddaughter of the second earl became the wife of Charles Edward the young Chevalier, but this was many years subsequently. In order, therefore, not to anticipate events,

let us begin with the year 1719, before either the young Chevalier or his future wife were born, and when the hopes of the Jacobites were still centred in his father the elder Pretender, if indeed hope could possibly be said to reside in such a lamentable leader, whose conduct throughout his recent invasion, in 1715, had convinced all thinking men that he, at any rate, was not born to rule.

That the Wiltshire magistracy generally were favourable to the new dynasty, may be inferred from the fact, that for more than the first twenty years of the century, they recognised, as chairman of the quarter sessions, James Montague, Esq., of Lackham, a most respectable Georgian, and a gentleman who, in fact, constitutes our authority for many of the following particulars.

Mr. Montague, it may be observed in passing, was descended from the Earl of Manchester, who had fought by Cromwell's side in the civil wars. [The family acquired Lackham by marriage with the heiress of the Baynards.]

Jesse Henéage declares, in his 'History of the Pretenders,' that the birthday of one of them was annually celebrated in Marlborough by the ringing of the church-bells, and that his health was publicly drunk. The exact era referred to is doubtful; but there can be no doubt that a spirit of defiance towards "the powers that be," was carried to a most ungraceful extent by the corporation, who, prompted by a variety of motives, which it would perhaps be impossible now to define, actually forbade the county magistrates from holding their quarter sessions within the limits of the borough, and maintained their factious position by virtue of a clause in their municipal charter, securing to the burgesses a court of their own. But this course of proceeding, however suitable it might be to the purposes of the individuals at that time constituting the responsible agents for the borough, was not viewed with equal favour by the freeholders of the Marlborough division. By them, the transfer of the Michaelmas

sessions from Marlborough to Chippenham and Calne, which the magistrates proposed, was so highly resented, as to give rise to an inflammatory address, styled "The Marlborough Presentment," framed, be it observed, not by the inhabitants of Marlborough, though they of course were injured by the proceeding of the corporation, but by the freeholders aforesaid, charging the magistrates with corrupting the ends of justice, by thus tamely relinquishing their rights.

At the county quarter sessions, held at Devizes in the succeeding April, in the year 1720, the grand jury assembled on the occasion, met the Marlborough presentment by a counter-declaration; and though perfect unanimity did not reign on the bench, their excellent chairman, Mr. Montague, delivered so unhesitating a challenge to all disturbers of his Majesty's peace, that his "charge" was, by the unanimous request of the grand jury aforesaid, sent to the press. The names appended to this requisition are worth preserving.

Francis Yerbury.	Samuel Cooke.	William Axford.
Thomas Eyles.	John Mortimer.	Isaac Aldridge.
Thomas Bush.	John Fry.	Jeffrey Merriwether.
William Smith.	Robert Wiltshire.	William Wayland.
W. Alexander.	J. Nicholls.	William Smith.
Joseph Marshman.	Isaac Gale.	William Nash.
John Bedford.	John Gaisford.	John Wetherell.
John Browning.	John Weeks.	Jonathan Scott.
James Crew.	Joseph Ponting.	John Hitchcock.

In the preface to his charge, Mr. Montague introduces his momentous subject, by complimenting the framers of the counter-presentment in the following terms.

"The zeal you gentlemen of the grand jury have shown, by your presentment, for the dignity and independence of our commission, ought to be thankfully acknowledged by every one who is distinguished therewith; nor does the just resentment of my worthy brethren less deserve the commendations of all who truly love and honour its author.

"I am so far from blaming the inhabitants of Marlborough for exerting themselves in vindication of their franchise, that I think they deserve all due commendation.

"And surely every impartial man cannot [on the other hand] but admit of [grant] the same to those worthy justices of this county, who acted with steadiness and courage in the worst of times; and who have used lawful means only, to preserve the dignity and power of their commission from being any ways exposed or lessened; since it would be very hard should they alone be blamed for doing an act equally praiseworthy" [equally, that is, with the conduct of the Marlborough people].

"I must needs own, I have not been a little surprised at the mighty pains there has been taken to support the Marlborough presentment; which I think has been justly censured; and the more, since it appears to be, upon the strictest view, a composition as full of absurdities as it is of words. I shall forbear making any remarks on this same celebrated piece; it being beneath the dignity of magistrates to debate with those whose duty it is to present all encroachments and insults on their authority, rather than arraign them as malefactors. Especially in this case; since, if the justices of the peace have any power, called arbitrary, allowed them by the King's commission, it is admitted on all hands, in the instance of this court of quarter sessions being held in any town in the county where they shall judge it most proper.

"Nothing could please me more, than your being present when the sum and substance of the fore-mentioned presentment was under our consideration; and I dare say you are all perfectly well satisfied (though we did not all agree in our judgment), that every gentleman gave his opinion agreeable to the best of his understanding."

In the body of his work, the worthy magistrate discourses somewhat elaborately on the excellence of the government of King George, and the reflected dignity which attaches to the

representatives of his judicial power. He then proceeds, as follows, to defend the Wiltshire justices from the libellious attack of the Marlborough presentment.

"I could heartily wish there had been no reason for me to proceed any farther on this head ; but I am forced to it from the most insolent and unparalleled piece of practice that perhaps ever was heard of ; no less than this Court's being in a manner libelled in a presentment by a grand jury, for exerting and supporting its own dignity and authority. Gentlemen, if this Court have any authority at all, it has an indisputable power to assemble itself in any town of this county, unless prohibited by express words in its charter. And if it [the Court] have any prudence, it is very fit it should be shewn, in assigning the *locus in quo* where the justices who compose it may sit and act with freedom and safety, as well as for the benefit of those who apply for justice.

"To give you a full account of this affair, would at present take up too much of your time ; though somewhat must be said in justice and honour to the court of quarter session. It is very true that the Michaelmas quarter sessions have been held till of late at Marlborough, and no doubt had continued to assemble there at that season of the year, had not the corporation opposed the execution of our authority therein, not only as justices of the peace, but as a court, of which many instances can be given. What then could this Court do ? To sit and act there, the *non se intromittant* clause in their charter inhibits ;—and for so doing, subjects us to actions, and perhaps stamps a nullity on our proceedings. The Michaelmas quarter sessions must be held somewhere ; and therefore to prevent clashings of authority and many other great inconveniences, it was thought proper, and this Court did order, that the Michaelmas session should be held alternately at Calne and Chippenham : the former a very convenient town, and nearest to the division ; the latter as commodious a place and where it has been often held without objection

when removed from Marlborough. Nor had the justices, in doing this, any other view than supporting the dignity, honour, and independence of this Court and its commission. And for so doing, forsooth ! the Court has been told, and in the face thereof (for this Court is always the same, though composed of different persons), 'That it has greatly oppressed and grieved the freeholders of the division of Marlborough, and thereby has obstructed justice.' I can assure you, it is well known to many, that some of the most learned lawyers in this kingdom have said, that we are prohibited by their charter from entering and acting there. And to my own knowledge, some of the principal men of that learned profession have commended the proceeding for which this Court stands thus calumniated on record. A grand jury of Middlesex might, with the same reason, present the justices of the peace for that county, for not sitting at Brentford instead of Hickes'-Hall. Nay—the gentlemen of this county, convened as grand jurors at New Sarum, might as well present the judges of assize for drawing them to the confines thereof," [that is to say, for the inconvenience of holding assizes at a spot so far removed from the centre of the county]. "And therefore, they who imagine that this or that town in the county of Wilts has a right to this Court's sitting there, are in the wrong ; since it is *ex gratia Curie*, and not *ex debito justitie*, that this Court of quarter sessions assembles itself in the several quarters of the county.

"Gentlemen, I hope, before we part, you will resent this insolent usage ; and, to use the language of the law, *secundum modum delicti*, give it its due reward. I cannot help thinking that when this matter is hereafter related (as doubtless, whenever, it will be with a *mirabile dictu*), nothing will create greater wonder than how such a rude and saucy invective could be midwived into court without any noise, when so many worthy and learned gentlemen were there ; unless they who introduced it were presumptuous enough to imagine the

begotter of it was present, and who, on its first squall, would have owned it for his precious offspring."

Such is a history of the Marlborough presentment, so far as Mr. Montague's pamphlet unfolds it. How long the breach was in healing, there are perhaps no means of ascertaining. Public faith continued to remain a wavering and uncertain thing. Both the two first Georges were notoriously unpopular; and little was the odium, and almost equally small the danger attendant on an open discussion of the Pretender's prospects. In the Marlborough district, the name of Talbot survives as conspicuous among his adherents. He was a keen sportsman, and the son, we may presume, of the Sir John Talbot, of Laycock, who headed the procession into Devizes when James II's scandalous charter was foisted upon that borough. Tradition points out a spot still distinguished by a group of firs in the hedgerow at the top of Garsen, near the Charlton Cat, towards Rushall, where in a summer-house Mr. Talbot and his friends used to meet, to carouse and drink the health of "the King over the water." [The clumps of trees on the summit of the Downs, just above Charlton, are still called the "Talbot plantations."]

Mr. Montague's charge points with severity towards certain influential parties, whose names we can now only conjecture, but whose power for evil would possibly have drawn down worse consequences on their dependants had it not been for the counteracting influence of the tide of commercial prosperity which visited this country during the first forty years of the eighteenth century. This, in course of time, rendered the people indifferent to the family feuds which Jacobitism kept alive among the gentry; but that so desirable a state of feeling had not arrived in 1720, may be seen from Mr. Montague's following reference to what he terms "the daily and bare-faced practices too—too evident amongst us." "Such," he observes, "is the behaviour, such are the expressions continually seen and heard almost everywhere, towards the King,

especially amongst the ignorant and meanest of the people, that to me it is very evident there are those of a more superior degree in knowledge and circumstances who inculcate and encourage these practices, and whose schemes not being yet perfect and ripe for execution, in the mean time they are sowing sedition amongst the common people, who are to be made their immediate tools to work up the projects into faction and rebellion. Besides the instructions given them to bespatter their sovereign with the lowest degrees of slander, such as would grate your ears were I to enumerate, nay, such as they dare not revile each other withal, they are taught to believe that his Majesty has drained the nation of vast sums of money, more perhaps than the whole specie of the kingdom amounts to, to make the grievance appear of the first magnitude," &c.

This "charge" of Mr. Montague is referred to in the periodical styled the 'Political State of Great Britain,' and great part of it recited; but, strange to say, no comments are passed on the events which gave it birth, and the direct allusions to the Marlborough magistracy are among the portions omitted. As a suitable appendage to the above, it may be proper here to insert the names of those families who in this county openly objected to the Hanoverian succession, and were in consequence compelled, by way of threat, to make return of their respective properties. It will be seen that, independently of two or three great lords and their retainers, the list comprises principally residents in villages; hardly any of them belong to towns or boroughs; one only to Marlborough, and another, a solitary widow, to Wotton Bassett; and these are all the dwellers in towns consenting to such a public exposure of their sentiments.

..

LIST of the Catholics and Non-Jurors resident in Wilts, who refused to take the Oaths to George I, together with the Annual Value of their Estates as returned by themselves to the Commissioners for Forfeited Estates, soon after the Rebellion of 1715. [NOTE. Where not stated otherwise, the estates lie in this county.]

Henry Lord Arundel, of Wardour Castle . .	£1186	8	0
„ Estate in Dorset . .	284	6	5½
„ „ Devon . .	124	6	0
„ „ Hants . .	119	9	1½
„ „ Somerset . .	80	15	10½
„ „ Gloucestershire . .	80	0	0
„ „ Middlesex . .	50	0	0
Mary Anne, of Sutton Mandeville, spinster .	4	10	0
Dorothy Banes, of Stourton, widow, estate in Dorset	30	0	0
Mary Barnes, of Stourton, spinster, estate in Somerset	20	0	0
Elizabeth Bolton, living in Kent, her estate at Salisbury, in the possession of Richard Wood	25	12	0
George Brookman, of Anstey, yeoman or weaver	1	12	0
Sir George Brown, of London, and of Coldridge Coppice, Ludgershall, Bart. . .	No Return.		
Mary Butt, of Bridzor	3	0	0
Elizabeth, Countess Dowager, of Castlehaven	537	12	10
„ Estate in Middlesex	108	11	6
Francis Cottingham, of Fonthill, Esq. . .	795	4	8
„ Estate in Berks . .	592	12	9
„ „ Kent . .	206	0	0
„ „ Bucks . .	150	0	0
„ „ Hants . .	130	0	0
„ „ Somerset . .	60	0	0

Thomas Champion, of Sutton Mandeville, leather cutter	£6 16 0
„ Estate in Dorset	40 0 0
„ „ Middlesex	30 0 0
Thomas Chester, of Whitsbury, Gent., estate in Herefordshire	60 0 0
Mary Coffin, of Stourton, widow	50 0 0
Anne Cruse, of Greenhill, widow	30 0 0
Gaynor Cruse, of Wotton Bassett, widow	64 0 0
Robert Dalton, of Bridzor, ycoman, estate in Herefordshire	10 0 0
William Estcourt, of Bromham, Gent.	224 9 0
Edward Farnhill, of Fonthill, Gent.	28 0 0
Richard Gould, of Odstock, estate in Dorset	7 10 0
Charles Hall, of Marlborough, estate in Berks	9 0 0
John Haylock, of Tisbury	20 0 0
Matthew Haylock, of Bridzor, yeoman	15 10 0
„ Estate in Herefordshire	9 0 0
Mary Jenkins, of Wardour Castle, spinster	19 0 0
„ Estate in Herefordshire	8 0 0
John King, of Hazeldon, yeoman, estate in Herefordshire	9 0 0
Mary King, of Wardour Castle, spinster, estate in Herefordshire	5 0 0
George Knype, of Semley	30 0 0
Thomas Knype, of Semley	24 0 0
„ Estate in Dorset	3 9 0
Henry Lacy, of Wardour Castle, Gent., estate in Dorset	16 0 0
Richard Lee, of Hazeldon	61 10 0
Margaret Lodder, of Anstey, spinster, estate in Herefordshire	5 0 0
James Morgan, out of the mansion of Anstey, Wilts	20 0 0

William Moore, of St. Giles, estate at Hed-			
dington, in possession of Anthony Brook .	£180	2	6
Anne Perkins, of Chisgrove	7	10	0
Richard Phillips, of Odstock, estate in Here-			
fordshire	12	0	0
Thomas Pippin, of Bridzor, yeoman . . .	13	15	0
Hon. Charles Stourton, estate in Dorset .	27	6	0
Henry Wall, of Stourton, estate in Gloucestershire	47	5	0
„ „ Dorset	0	4	0
„ „ Somerset	0	2	0
Humphrey Weld, of Lulworth, Dorset . .	846	2	2
[Inserted here because the family had re-			
cently migrated from Compton Bassett,			
in Wilts, and were allied to the Lords			
Stourton.]			
Simeon White, of Wardour Castle . . .	20	0	0
„ Estate in Hants	0	12	0
Thomas Wilkins, of Tisbury, estate in Dorset	4	5	0
Cecil Wilson, of Bridzor	52	10	0
Eleanor Wilson, of Bridzor, widow . . .	12	0	0
Charles Woolmer, of Fonthill, Gent. . .	15	10	0

The families of Smallbones and Young, both of Lambourn, also belong to this neighbourhood, though not to the county of Wilts.

Thirty years after, when in the famous '45 the young Pretender tried his chance, the youthful Duke of Beaufort and his brother Lord Noel Somerset became the leaders of the West, though perhaps the most active of the party was Sir John Hynde Cotton, member for Cambridgeshire; so zealous an adherent of the old family, that he used to make an annual progress throughout England, to maintain the spirit of his friends. Sir John Hynde Cotton was also the name of the member for Marlborough, *In the British Chronologist, vol. ii, having represented Cambridgeshire till 1736*

under date 30th June, 1746, the year after the rebellion, is an entry to the effect that the office of treasurer of his Majesty's chamber has been conferred on Richard Arundel, Esq., in the room of Sir John Hynde Cotton, referring probably not to the member for Marlborough, who appears to have retained his representation of this place till his death in 1752, when he was succeeded by his son, of the same name.

One of the early discoverers of suspected persons in this district was the celebrated Ralph Allen, the subsequent founder of Prior Park, but at the period of which we are now speaking, occupying the situation of post-horse letter-carrier between Marlborough and Bath, at the pay of one half-penny a mile. A discovery which he made to General Wade of an intended importation of arms to Bath, in behalf of the Pretender, proved his first stroke of fortune. The General caused him to be placed at the head of the postal department in that city, and moreover gave him his daughter in marriage. After this, his rise to opulence and influence was steady and unvarying; and although, when commencing life as the Marlborough courier, at the age of fourteen, he could neither read nor write, his intelligence and industry finally gave him an honourable position in the literary world, and the friendship of Bishop Warburton and Alexander Pope.

MUNICIPAL DETAILS RESUMED.

From about 1720 till 1740, the Dukes of Marlborough are supposed to have endeavoured to obtain an interest in the borough opposed to that of Lord Ailesbury, by purchasing considerable property in the town and neighbourhood. Thus we find in the peerages Lockeridge House mentioned as one of the Duke of Marlborough's seats.

At a court of morrow speech, Sept. 1727, it was agreed that in future, on the day of swearing in the new mayor, the sermon directed to be preached on that occasion shall be

delivered by the ministers of both the parish churches alternately, beginning with St. Mary's; and to that end, the corporation shall on that day meet in the council-chamber, and proceed in order to the parish church henceforth and for ever.

Another ordinance of this period directs that, whereas two seals, a greater and a less, had hitherto been in use; that henceforth the new silver seal of 1714 shall alone be employed, and the old one destroyed. Signed by J. Fowler, W. Bayly, W. Ragbourn, Rog. Williams, J. Gillmore, W. Gough, H. Stent, Edw. Bell, T. Lipyatt, R. Monday, J. Dore.

In the management of the Portfield, it was agreed that for every two acres, £15 should be the price to any one of the corporation, for his own life and his wife's widowhood; the senior magistrate, not already holding, always to have the first choice. [A few years later the charge was reduced to £10.] No member was to hold more than two acres; but as it somehow turned out in practice that larger portions did fall into individual hands, the council, alarmed at the possibility of a young widow keeping them too long out of possession, ordained in 1759 that no more than six acres should under any pretence be held by any one person.

1732. In consequence of the Act 12th George I, to prevent frivolous and vexatious suits, the operation of which, it was believed, would greatly infringe on the liberties and privileges of this borough, by compromising the King's court established here in the reign of King John: Therefore, a petition from the town prayed the House to make some provision whereby the ancient jurisdiction in question might be retained in its integrity.

After 1748, the regular series of court-books terminates; nor do any entries of the morrow speech occur till 1770, when a new series commences, not in books but in single sheets, preserved in the town-clerk's office.

ELECTION OF 1784. Before going into this case, it will be necessary to notice the following judgment in the matter of Edward Bell sued on a *Quo Warranto*.

In the Crown Office, 1731. 4th George II, Hilary Term.

WILTS to wit. Be it remembered that William Bellamy, Esq., attorney of the lord the King, gives the court to be informed, That Marlborough is an antient borough [here follows a recital of its privileges and customs.] That Edward Bell, of the borough, fellmonger, on the 28d Sept., 4th George II, without lawful warrant, royal grant, or right whatsoever, exercised and doth still exercise the office of one of the common council, which said office the said Edward Bell usurped upon the King. Wherefore the said attorney prayeth the advice of the court and process of law against him.

Edward Bell pleaded that in pursuance of the bye-law of 1622, which enacted that the mayor and common council, or the major part of them, might call and elect any burgess to be one of the common council, he had been so called and installed into the said office.

Replication. That the mayor and burgesses did not make any such bye-law, and prays that it may be inquired into:—That Roger Williams, mayor, and the common council did not nominate and elect Edward Bell:—And that consequently he had not been sworn or admitted into the said office.

There were five issues, the verdict on all of which were in favour of Edward Bell, whereby all liberties appertaining to the office of one of the common councilmen were adjudged to him, and that he be paid his costs.

In the election of 1784, 8th George II, there were four candidates, Edward Lisle, Francis Seymour, Thomas Newman, and Benjamin Hayes; and the votes of the burgesses were very divided; being fourteen for Lisle, fourteen for Seymour, eight for Newman, and eight for Hayes; and only twenty-one names recorded. It is evident, therefore, that at this period the select body were not a social body.

1735. 31st January. A petition to the House was presented by Thomas Newnham, Esq., and Benjamin Hayes, Esq., setting forth that having together with Edward Lisle, Esq., and Francis Seymour, Esq. been candidates at the recent election, certain persons who had no right had been permitted to vote for the two latter gentlemen, and by these and other illegal practices the petitioners' just return had been prevented :— Ordered to be heard at the bar of the House on the

27th March ;— When the question was put, that the counsel for the petitioners be admitted to produce evidence, which by controverting the election of Edward Bell to the town council would disqualify the votes of eleven other burgesses, notwithstanding that there existed a verdict already obtained and a judgment given upon an information in the nature of a *Quo Warranto* brought against him, which verdict and judgment were in favour of his claim to be a common councilman.

The counsel for the petitioners then produced the rules of the corporation directing their elections of council, with other documents, and showed that although Edward Bell had been so constituted at the court of morrow speech in 1721, yet that he had refused to act in that capacity, but had acted simply as a burgess till the year 1723.

The counsel for the sitting members produced the record of the justices of *Nisi Prius* above referred to in favour of Bell, and having examined several witnesses as to the proceedings of the court of morrow speech, the House determined that Edward Bell's claim could not be disturbed, and that consequently Edward Lisle and Francis Seymour were duly elected.

Strange's Reports, vol. ii, p. 995. *Rex versus Bell*, (Mich. Term, 8th George II.) has the following :—After mentioning that upon a trial in 1731, there had been a verdict for defendant, "This term the prosecutor moved for a new trial, as being a verdict against evidence, and the prosecutor referred to the report of the judge, and insisted he was not too late,

there being no judgment yet signed, according to the case of *Gillman v. Smith*, Mich. Term, 9th George I. But the Court would not suffer the merits of the motion to be gone into, in consequence of the length of time since the verdict."

The jury at the borough quarter sessions, 1744, present among other things, certain of the *inhabitants* charged with cutting turves in the common. Another about this time is "We present Richard Bayly and Samuel Silk, as intruders in St. Mary's parish." In 1750 John Messenger and twelve others are "presented for intruders in St. Mary's parish."

As the exemption from toll in distant fairs and markets granted to the men of Marlborough might come to be disputed by strangers, and the fact itself be unintelligibly held even by the inhabitants themselves, it was thought desirable in 1741 to publish a certificate of the case, stamped with the mayor's seal of office, to be produced at all fairs and markets by such of them as thought good to claim the exemption aforesaid.

"To all Christian people to whom these presents shall come, Thomas Brunsdon, mayor of the borough of Marlborough, sendeth greeting. Be it known that whereas John, King of England. [Then follows a recital of the privileges granted by John and Henry III, and confirmed by James.] I, Thomas Brunsden aforesaid, at the special instance and request of William Jones, Gent., one of the burgesses of the said borough, these presents have copied out, and for the greater credit, to be had thereunto, have affixed the seal of the mayor of the borough and town aforesaid, at the Guildhall, this 22d day of April, in the fourteenth year of the reign of our Sovereign Lord George II, and in the year of our Lord 1741."

There were lately several copies of this certificate extant, though it is possible there would now be some difficulty in recovering one authenticated under the common seal.

1745. Memorandum occurring in the parish register of St. Mary the Virgin, 26th and 27th of September. "Forty-

five waggons loaded with gold and silver that were taken from the French, came through Marlborough."

ROADS AND CANALS.

To facilitate internal communication and the transmission of goods, the project of "marrying," so it was termed, the Thames and Avon rivers, was suggested as far back as 1626 by Mr. Henry Briggs, Savilian professor of geometry at Oxford. Under the Protectorate, the project was revived by Francis Matthew of Dorsetshire, a royalist captain who had ruined himself in King Charles's service; and Cromwell was so well pleased with it, that, had he lived, he would have seen it carried into effect, but his premature death blighted the prospects of the spirited projector. After the Restoration, his friend Aubrey introduced him to Sir William Brounker, with a view to further his plans, but public interest in the scheme was not sufficiently awakened. The junction proposed by Matthew was in the north of Wilts. The Kennet and Avon canal now accomplishes the same object by a route through the Pewsey vale. It gives us some idea of the difficulty of land carriage in former days, when we learn that a transit through such insignificant winding rivulets as the Thames, at Ashton Keynes, and the Avon, at Charlton Park, should ever have been looked upon as capable of competing with waggons on the high road. Aubrey in one word reveals all this, when he says that, by adopting canals, goods would be saved from being overturned.

Perhaps it was only during the winter months that water carriage was thought so desirable; for there are several journeys on record, executed in summer time during the middle ages, rivalling in rapidity any modern achievements, short of the railway. But in bad weather there is no doubt that the term "impassable," as applied to the majority of the highways, was not a figure of speech but an accredited fact. The annals of the seventeenth century have already (at page 211 of this work) presented to our view a whole troop of horse

taken prisoners while sticking in the mire; and a petition from Marlborough, in 1726, to be noticed presently, will shew that during the succeeding eighty years little advance was made in securing a permanent way. Nothing, indeed, argues the expansion of modern British commerce beyond the narrow bounds of the shore, more than the altered state of opinion as to the value of locomotive powers generally. A hundred and fifty years ago, facility of carriage farther than the neighbouring market-town was, both by gentry and farmer, regarded almost as a nuisance. Let no one be startled at this announcement. There are too many witnesses in its favour to allow of successful denial. It is quite clear, that in those Arcadian days the corn that found its way to the market-town was never designed to quit it again. The innkeepers, or rather their guests, were the great consumers. When the project was first agitated, to make the Avon navigable from Bristol to Chippenham, all the arguments of its opponents were based upon the one idea that it would cheapen the produce of the land, and in the contemplation of this coming evil, the farmer, as in later times, used the magnifying glass of his landlord rather than his own good eyesight. A petition (and this was only one of a legion) of the high sheriff! of the justices of the peace! and of the grand jury! held at New Sarum on the 6th of March, 1696, set forth that the said river navigation would be highly prejudicial to the farmers, for by lessening the land carriers, the consumption by their numerous cattle would be diminished; the arrival of grain from Bath would lower the prices in Wiltshire, and occasion a fall of the petitioners' rents; and they close by stating that it already happened that "corn brought by water to Bristol, and thence conveyed on horseback, did at some seasons of the year glut the markets as far as Warminster, Devizes, and other places in Wiltshire."

Such were the views of the majority of Wiltshire gentry in the days of William III. Perhaps some modern readers may be surprised at the important place which "the carriers'

horses" held in the petitioners' estimation. But in truth this was no insignificant item. Evidence given during that very same year, before the House, showed that thirteen horses was not an unusual team, and that a row of nine frequently drew "at length." As if to exhibit still more fully the suicidal legislation of the day, an Act was then in existence (though certainly not in rigorous force) which attempted to limit the number of horses in the carriers' wains, evaded, as might have been anticipated, by contracts with the informers, who for a few shillings a year allowed a carrier to drive as many as he would. The evidence furnished by some of the carriers on examination is not uninteresting. Tobias Lewton, of Dinton, in Wilts, said that Feilder (an informer) kept a list of the waggoners travelling the Western roads, and when they were in arrear of their quarterly payments, he would shake his cane and say he would make an example of all such rogues as did not keep their words. He himself had agreed to pay Feilder 10s. a quarter, after which the informer and his man had often seen him draw 13 in a team without complaining of him; but Feilder would say—"He would have money of the waggoners, let them draw in what manner soever they could, for that it was impossible for them to travel the roads without a breach of the law." This means, that unless they used more horses than the law allowed, they must stick in the mire. If carriers would not compound, the informers would seize the supernumerary horses. In one case stated, two horses out of five were taken away, so that the poor carrier having but three left, killed them all in his efforts to reach London, and was thus deprived of his whole team. These waggons were the principal means of conveyance for persons as well as goods.

In the course of a few years, the gentry of Wilts appear to have moved very considerably forward from their old standpoint; for on the occasion of a bill pending before the House to render navigable the river Kennet, from Reading to Newbury, the sheriff, justices, and other gentlemen assembled at

the quarter sessions at Devizes, 27th April, 1715, again tender their advice to parliament in the form of a petition—this time, favourable to the scheme, and “humbly suggest that it will be of great advantage to the inhabitants of this county, not only for the benefit of trade in general, but by easing us of the great rates we pay for the carriage of bulky goods from the city of London to all parts hereabouts; as also by preventing the great damage continually done to our highways, so very much impaired by the heavy loads carried in waggons from London to Bristol.”

The inhabitants of Great Bedwyn also petitioned in its favour, which looks as though a belief must have existed, even at that early period, that the canal would eventually pass in that direction, adopting the Pewsey-vale line in preference to a passage through the north of Wilts. The state of river navigation at that period may be judged of by the following petition, in 1694, from freeholders, bargemasters, and others, along the Thames. It set forth, “That the rivers of Isis and Thames being navigable for boats and barges from Lechlade to London, by the help of several locks and weirs for keeping up the waters for flashes in several shallow places, an accustomed rate had usually been paid for the passage of such locks and weirs, but that of late the occupiers of them had raised their demands nearly tenfold, and detained all barges till their charges were complied with. That whereas it had ever been the practice to haul vessels up the river by men or horses, on the banks which were free to all, yet that now the occupiers of the lands had commenced a system of exacting great sums for such passage:—And praying relief,” &c.

1726, 9th March. Petitions were sent from Marlborough and places in its vicinity, complaining that in consequence of the state of the road from Speenhamland to Marlborough, passengers and droves from London to Bristol were obliged to follow bye-ways, and to trespass on corn and commons, and, by thus avoiding Marlborough, to occasion considerable loss

to that place, which in a great measure depended on a thoroughfare trade :—And praying for a bill to amend the road.

Afterwards, when the government had taken the matter up, and brought in a bill applicable to the whole country, we are naturally astonished to find divers traders at Marlborough joining with others at Devizes to counteract the measure. In their petition sent up 15th March, 1745, they complain of the already ruinous price of the carriage of goods, and express their hope that the bill for amending high roads throughout the country may not pass into a law, because, as they urge, the expenses of carriage being thereby still further enhanced, will be productive of great detriment to trade generally throughout the kingdom :—And praying relief, &c. This looks very unlike the conduct of Marlborough merchants in former and better times, and suggests the inference that the parties making so-unreasonable an expostulation did not represent the community.

1799, 10 July. "The navigation of the Kennet and Avon canal was opened ^{there} from Hungerford to Great Bedwyn, an extent of sixteen miles, and a barge of fifty tons laden with coals and deals arrived at the latter place. The barge having on board the most respectable inhabitants of Hungerford and its neighbourhood, was attended on its passage by a large concourse of people, and received at Bedwyn with the greatest demonstration of joy. An entertainment was provided at the Town Hall, a considerable quantity of beer distributed to the populace and the labourers on the canal; and the evening concluded with great festivity." (*Salisbury Journal*.)

LADY HERTFORD AND HER FRIENDS.

1730. During this and several subsequent years, the memorials of Marlborough Castle and its inmates become more than ordinarily copious, through the correspondence of Frances, Countess of Hertford, and her numerous poetical friends. The lady's country seats were Marlborough and

Ricklings; but before speaking further of her, it will be necessary to refer back to page 295, where her husband Algernon constitutes the last name in the family history of the Seymours. This nobleman, who afterwards became eighth Duke of Somerset, but was styled during his father's lifetime Earl of Hertford, represented at a very early age the town of Marlborough in parliament, and continued so to do till 1722, when he sat for the county of Northumberland. He served in the military campaigns of the Duke of Marlborough, and passed through the several gradations of rank to that of "General of the Horse" in 1747. In 1722, he was summoned by writ as Baron Percy; in 1748, succeeded his father as Duke of Somerset; 2d Oct., 1749, was created Baron Warkworth and Earl of Northumberland, and the next day, Baron Cockermouth and the Earl of Egremont; and died four months afterwards. He married in 1713, Frances, the elder of two daughters of the Honourable Henry Thynne, son of the first Lord Weymouth, the lady whose name stands at the head of this article. Their issue were, George Seymour, Viscount Beauchamp, born 1725, who died at Bologna of small pox, aged nineteen, and one daughter, Elizabeth (the "Lady Betty" of her correspondence), who married Sir Hugh Smithson, Bart., and became Countess of Northumberland on the decease of her father.

It was at Longleat, the residence of her grandfather Thomas Thynne, the first Viscount Weymouth, that the circle was first formed, whose strangely mingled elements survived in the character and tastes of Lady Hertford. Here were grouped Henry Thynne and his two daughters Frances and Mary; Walter Singer, Esq., a retired dissenting minister of Frome; Elizabeth Singer, his daughter, afterwards Mrs. Rowe; Mr. Harbin, the domestic chaplain of Longleat; Thomas Ken, the ex-bishop of Bath and Wells; Isaac Walton, his nephew (a name better known as pertaining to his father of piscatorial fame), rector of Poulshot, near Devizes, to whose

house the bishop had fled on the advance of William of Orange, and where he was sleeping in safety during the great storm of November, 1703, which killed Bishop Kidder, his successor at the palace of Wells.

Frances, Countess of Hertford, during her early life became one of the ladies of the bedchamber to Caroline, Queen of George II, which office she relinquished on the death of the Queen in 1737, and retired into private life in company with her intimate friend the Countess of Pomfret. It is through her letters to this lady that she is most commonly known, though there are vast numbers preserved, addressed to other distinguished individuals. The edition of 1805 is entitled, 'Correspondence between Frances, Countess of Hertford, afterwards Dutchess of Somerset, and Henrietta Louisa, Countess of Pomfret, between the years 1738 and 1741,' in three volumes, dedicated to Mrs. Burslem, of Imber House, Wilts, by William Bingley, of Christ Church.

Lady Pomfret, who in 1720 married Thomas Fermor, first Earl of Pomfret, was the daughter of John Lord Jefferies of Wem, and grandchild of the infamous Lord Keeper, whose "Bloody Assizes" were still so fresh in the memory of the people of the west, that it is related of this lady in Granger's 'Biographical Dictionary,' that while travelling on the western road, she was insulted by the populace; and found that she could not with impunity trust herself among the descendants of those who had witnessed that judicial butchery. Respect for Lady Hertford would probably prevent any such outbreak of feeling in Marlborough, though the treatment the populace gave to William Penn, the quaker, was prompted by the same sentiment.

Lady Hertford was the enthusiastic patroness of literature and the elegant arts. Mrs. Rowe is traditionally said to have composed some of her lines in the 'Grotto under the Mound.' Thomson, the author of the 'Seasons,' was also invited to her house, though, if the truth must be told, he preferred

carousing with Lord Hertford and his friends to following Mrs. Rowe's example. Her energetic interference at court in behalf of Richard Savage, when convicted of murder, is too well known through the medium of Johnson's 'Lives of the Poets,' to need recital in this place. With Dr. Isaac Watts, who was then in the decline of life, she maintained a steady correspondence; and even encouraged the literary attempts of that unhappy rhymester Stephen Duck. In fact, while such writers as Alexander Pope were all but deified, hardly anything in the shape of a poet was left unpatronized. While life was fresh, and the prospects of her family fair, Lady Hertford appears to have resigned herself to a pursuit of the romantic; but the premature death of her son broke her spirit, and shrouded with melancholy all her subsequent reveries. Thenceforward, she could realize in the exercise of homely charity and in the correspondence of Dr. Watts, a charm which her thickly-crowding earthly honours failed to kindle. Let us extract from her correspondence passages illustrative of the different periods of her life.

The gardens at Marlborough owed some of their adornments to her presiding taste. A letter to the Countess of Pomfret, in 1739, describes the widening of the canal which surrounded the house, the construction of cascades, ruinous arch, &c. Another has the following:—"The trees I planted some years ago in my garden, though they now afford me a delightful shade, under which I pass many solitary hours, have no beauties that will appear upon paper, unless a pen like that of Mr. Pope should describe them. The grotto which we have made under the mound, and which without partiality I think is in itself much prettier than that at Twickenham [Pope's residence], would in my description fall infinitely below it." The following letter also to the same lady exhibits her love of natural scenery. The Countess of Pomfret was at this time travelling in Italy.

"To the Countess of Pomfret.

"Marlborough, 25th June, 1741.

"Dear Madam,—I must begin this letter by telling you that we got safely hither on the 19th, which was the same day we left Richkings. We had the finest weather imaginable for our journey, and though the distance was no less than fifty-nine miles, we performed the journey in eleven hours and three quarters, including the time we baited. I never saw such an air of plenty as appeared on both sides the road, from the vast quantities of corn with which the fields are covered, and the addition of many hop gardens that have been planted since I passed through that part of the country. These, and indeed every other beautiful appearance of nature, vanished when we came to Newbury. There is just set up a manufactory there, which, though it is said to bring considerable gain to the proprietors, adds neither beauty nor pleasure to the town and adjacent fields. There is a parcel of low ground about a mile before one comes to it, where by uncovering the surface they have found great quantities of peat, which they burn upon the place and sell the ashes of it to a great advantage for manuring ground. These they have correspondence for at an amazing distance; and they tell me many families are already grown rich who are concerned in the trade.¹ After we

¹ From this it appears that the company patented in London in 1848 for burning the peat bogs in Ireland, and selling the ashes, had made no new discovery. The following account of the Newbury ashes is from the pen of Thomas Rowlandson, F.G.S.: "Springs from the high lands of Berkshire have occasioned many considerable formations of peat along the vale of the Kennet; and even on some of the high lands along the course of the Thames thin strata of peat occur. In the vicinity of Newbury the burning of peat for the ashes has become

so extensive as to attain the dignified name of a manufacture. It was first burnt for this purpose by Mr. Thomas Rudd, of Newbury, in the year 1745, who spread the ashes on the clover, and for which Newbury ashes have ever since been famous. An acre of peat land at that period sold for £30: it has since been sold, according to quality, as high as £300 and £400, and in one instance as £800 per acre. The active manuring principle of these celebrated ashes, which are frequently conveyed to a great distance, consists of gypsum, carbonate

left Newbury, the whole face of the country was changed, and everything looked parched and burnt up for want of moisture, and this seemed, like Gideon's second fleece, to be the only place where the dew of heaven had not fallen. However, I find my own garden full of sweets, and I have a terrace between a border of pinks and a sweet-briar hedge. This hedge was not made when your ladyship was here, but it now perfumes the air for a long way together. Whether it is because this was the first habitation I was mistress of, in those cheerful years when everything assumed a smiling aspect from the vivacity that attends that season of life, or because almost every little ornament has been made either by my lord's or by my own contrivance, I cannot tell, but I certainly feel a partiality for this place, which an indifferent person would be at a loss to account for. The flowers to me appear painted with brighter colours, and the hayfields and elder bushes breathe more fragrance than the same things do any where else. When I am sitting near the cascade upon a favourite seat by the side of a little wilderness of flowering shrubs, I cannot help thinking, or almost saying, to myself, 'Lady Pomfret would not dislike this shade.' How happy would it make me if I could place you there in reality as often as I do in imagination. No longer ago than last night, after having read over your letter there, which contains your journal from Rome to Bologna, I fell into so deep a reverie on your passage amongst the Apennines, that I almost thought I saw every beautiful landscape you have described; and was ready to mistake the sheep-bells on the neighbouring down for those of the little chapels you mentioned, and an old miller, who appeared on

of lime, and small quantities of potash salts, which, in the present state of chemical science, can be obtained artificially at a much cheaper rate by mixing the various ingredients, than by the operose mode of burning peat." — *Essays on British Agriculture*,

Article 'Berkshire,' Illust. Lond. News, 22 Feb. 1851. On this statement it may be remarked, that 1745 as the date of the discovery is clearly wrong, since Lady Hertford alludes to fortunes having been already made by it in 1741.

the other side of the field amongst some willows which grow before his door, for one of the venerable inhabitants of those hermitages which you found amongst the clefts of the rocks.

"We have now hotter weather than we have had for some years, which dispirits every mortal; nor does the news of our repulse at Carthage help at all to enliven us; though I feel a secret pleasure in the hope that you have by this time heard a truer account than we can know of it, from Mr. Fermor himself."

The following extracts are from various sources among her correspondence.

July 2d, 1741. . . . "We have soldiers continually passing through this town, who are going to the camp near Colchester, where there are several regiments already. The reports of what they are designed for are various."

To Lady Pomfret.

"One night last week three men broke into our house at Marlborough, and to my great astonishment were so good as to content themselves with taking only three brace of pistols out of the hall. This, as I had only an old porter and his wife there, was being very modest, and the more so as one of the robbers knew the house and used often to be employed as a labourer. He has been taken with one of my lord's pistols upon him." *Ibid.* Feb. 5th, 1741.

. . . . "Stephen Duck, who is here at present, begs leave, with his humble duty, to offer you the enclosed ode, which I think is as pretty as anything I have seen of his." *Ibid.* dated from *Richkings*.

One of her letters written in 1731 to Dr. Watts, while her children were young, concludes thus:—

"My lord and my young people send their services to you. I assure you my little boy is grown a great proficient in your 'Songs for Children,' and sings them with great pleasure."

Six years later, writing to the Doctor on the state of her family, we meet with the following:—

"I own I find a pleasure in thinking that I perceive dawns of an honest heart and tolerable reasoning in Lord Beauchamp; and his governor and I flatter ourselves that we see a clearness of judgment and distinctness of ideas in the themes he composes, which are infinitely the favourite part of his studies and always performed with good humour, though he is obliged to write them in three languages, English, Latin, and French. He is by no means good at getting things by heart, for which reason Mr. Dalton is very favourable in his impositions of that kind, which he seldom gives him, and in small quantities. Now I have said so much of my son, I should be unjust to his sister if I did not tell you that I have the happiness to see her a very good-natured sensible young woman, with a sincere sense of religion and virtue, and the same observance from affection to my lord and me, at almost one-and-twenty years old, that she had in her earliest childhood. You see, sir, I take the privilege of a friend, and flatter myself that you will not be tired with a detail of my family comforts, for the enjoyment of which I hope I am thankful as I ought to be, and most particularly so that my lord is so entirely recovered as to allow me to hope his children will long have the blessing of the tenderest father, and myself of the best husband I ever saw. You will forgive the length of this letter, and believe me with the truest esteem, sir, yours, &c."

The death of this only son in 1744, as stated above, was a blow which the countess never fully recovered. Her daughter having become countess of Northumberland, she thus alludes to her grandchildren in a letter to Lady Luxborough, in 1751.

"I dare say Lady Northumberland did not know how near she was to you, or she would not have passed by without inquiring after you. The newspapers will inform you that her lord supplies the place of Lord Waldegrave in the King's bedchamber. Their children, I mean the two youngest, were both here while they [their parents] made their Warwick and Staffordshire tour, and also till they came from Bath. The

little boy is called Algernon after his grandpapa; and is, though less handsome, the counterpart of his poor uncle Lord Beauchamp. His innocence, his temper, and his voice, are just the same, and every motion of his body. Judge if I am fond of him."

The Duchess of Somerset died in 1754, being four years after the death of the Duke her husband: Sir Edward Seymour, bart. succeeding him as Duke of Somerset, and Sir Hugh Smithson, as Earl of Northumberland.

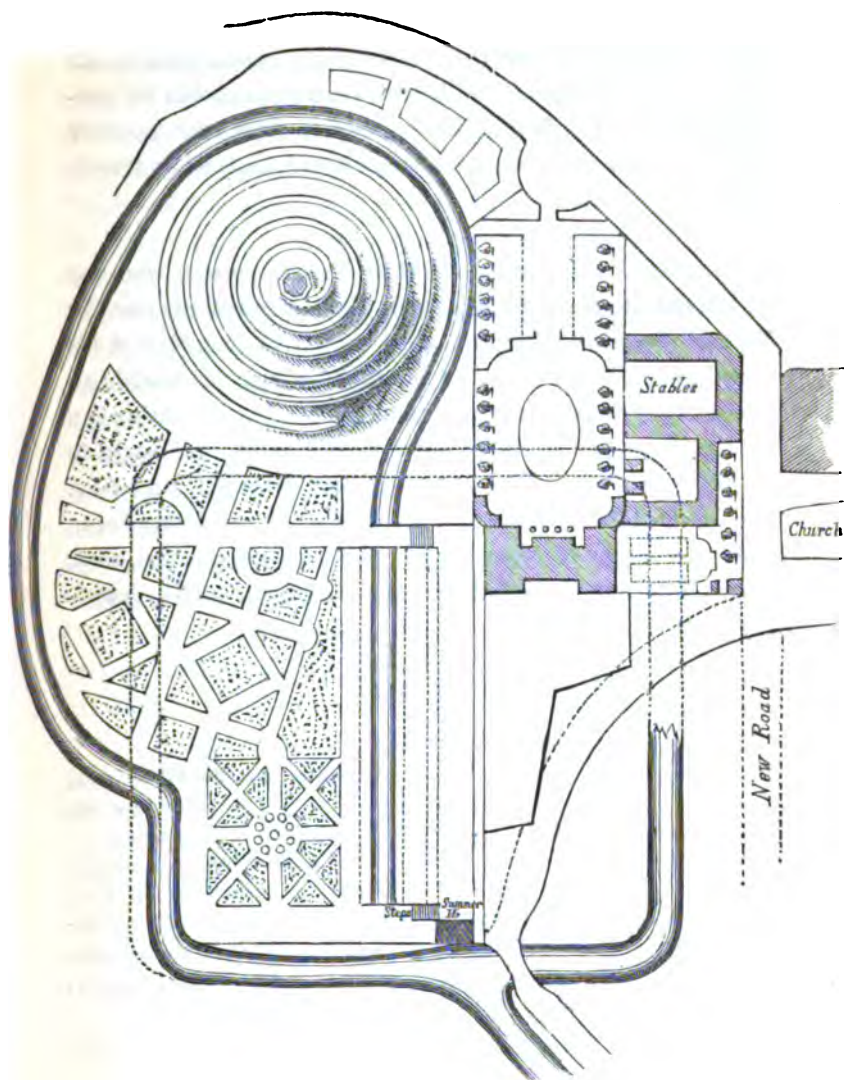
Very soon after this the mansion at Marlborough was converted into an inn, and became a posting-house of considerable celebrity. It had become the property of the celebrated Marquis of Granby, probably on his marriage in 1750 with Frances daughter of Charles, the seventh Duke of Somerset, and half-sister to the Earl of Hertford, the last resident here. The Marquis of Granby at the same time came into possession of the barony of Trowbridge, which had long been identified with the mansion at Marlborough. In 1779 ^{James Earl of Ailesbury} Lord Ailesbury bought the latter (with other lands) of the Duke of Rutland, ^{son of the Marquis of Granby.} When the house became an inn, one Mr. White was the first host. He died there 3d April, 1787, aged 54, and was succeeded by Mr. Halcomb. ^{The castle was first let as an inn in 1751 to Mr. Lottell, in 1753 to Smith for 21 years. Mr. J. White succeeded, & died in 1787. Mr. Hal-}

In a work, entitled 'A Tour through Great Britain,' published 1769, which had been commenced by Daniel de Foe the author of 'Robinson Crusoe,' and carried on by Richardson the author of 'Clarissa,' and by another person, it is stated that the mansion at Marlborough became an inn "on the death of the late Duke of Somerset;" that the rent was £100, and that being let with the costly furniture belonging to the recent occupier, it constituted one of the most magnificent houses of entertainment in England. The writer appears to have no doubt that it occupied the site of a Roman castrum, asserting in confirmation, that towards the river, outside the garden, one angle very manifestly remained; he adds, that the

^{see also} ^{Steyler} ^{& died in 1816, his son keeping on the hotel, then James} ^{Steyler} ^{became host; he died at the Charter House. A W. Carter was} ^{last host, at the closing in 1843. Steyler's dead body lay at the hotel} ^{last day it was open as an inn, viz 6 Jan. 1843. It was opened as a} ^{place on 25 August 1843.}

rampart and ditch were still entire, the latter being in some places twenty feet wide. Stukeley was of the same opinion, and in his plan of the grounds, of which the annexed is a reduced copy, he has indicated the supposed area of the Roman work by dotted lines. His drawing is styled "*Castrum Cunetio*," and dated July, 1723. He also gives us a bird's eye view of the house and garden, but its details are hardly warranted by those of the ground-plan, to say nothing of his Chinese tendencies when attempting perspective. It will be seen by the plan that the new road leading down to the bridge, though then in contemplation, was not yet executed. In the bird's eye view the garden is represented as occupying its present limits. The following is from Stukeley:—

"The ditch I suppose went through the garden by the southern foot of the mount, and round the house through the court-yard. There is a spring in the ditch, so that the foss of the castrum was always full of water. I suppose it to have been 500 Roman feet square within, and the Roman road through the present street of Marlborough went by the side of it. Afterwards in Saxon or Norman times they built a larger castle upon the same ground, after their model, and took in more compass for the mount, which obliged the road to go round it with a turn, till it falls in again on the west side of the mount at the bounds of Preshute parish. Roman coins have been found in shaping the mount, which was the keep of the later castle, and now converted into a pretty spiral walk, on the top of which is an octagonal summer-house. This neighbouring village of Preshute has its name from the meadows the church stands in, which are very low. In the windows upon a piece of glass is written, DNS RICHARDVS HIC VICARIVS, who, I believe, lived formerly in a little house at Marlborough over against the castle, now an alehouse, where his name is cut in wood in the same old letters over the door."



PLAN OF THE CASTLE GROUNDS, MARLBOROUGH. 1723.
See page VI

It appears (on the authority of a newspaper cutting) that the Countess Dowager of Pomfret died at Marlborough in 1761. Had her friend Lady Hertford been still a resident here, we might suppose the event to have taken place in her house. But that house had by this time been an inn for probably ten years. Remembrance of past days may possibly have induced Lady Pomfret to linger at the spot, while travelling as an invalid.

SIR MICHAEL FOSTER.—Another worthy person, who was on intimate terms with Algernon, Earl of Hertford, was Sir Michael Foster of Marlborough, who also was constituted his executor, conjointly with Sir Hugh Smithson, his lordship's son-in-law. This appears a suitable occasion for making a final mention of his family. The opposition of the Fosters to the policy of James II has already been described, page 342. The Michael Foster there mentioned, who, like his father John, was an attorney of eminence at Marlborough, married, first, Sarah, daughter of Richard and Mary Coleman of St. Peter's parish, who died 1697, leaving amongst others:—

1. **SIR MICHAEL FOSTER**, of whom presently.
2. **JOHN**, who died unmarried 1717.
3. **KATHARINE**, who died unmarried 1722.
4. **ELIZABETH**, who married the Rev. Joseph Dodson, and died 1775, leaving Michael Dodson, barrister, married to his cousin Elizabeth Hawkes Grinfield, and a daughter Martha, who died unmarried.
5. **HANNAH**, the wife of William Hawkes, Esq., had with other issue Samuel, who married Elizabeth, daughter of Edward Grinfield, Esq., and had issue Elizabeth the wife of Michael Dodson afore-said, and Hannah married to John Ward, of Marlborough, Esq. Mr. Hawkes's other children were William, who died 1742, and Michael Foster, who died 1761.
6. A **DAUGHTER**, married to ^{Robert} Ewen, Esq., ^{her son was} clerk of the peace for the county of Wilts.

Mr. Foster married secondly, *widow of Robert* Miss Anne Butcher ^{of} Bowshire, who died in 1712. He himself deceased in 1720,

when his funeral sermon was preached by Dr. Morgan, who described him as an upright and religious character, unstained by fanatic zeal or biassed by party spirit. Another testimony to his worth was furnished by his son, Mr. Justice Foster, who used to relate that soon after his own appearance as barrister in the Court of King's Bench, one of the judges inquiring of an officer of the court the name of the new comer, and being informed that he was the son of Mr. Foster of Marlborough, replied, "Then he is come of one of the honestest men in England."

SIR MICHAEL FOSTER, born in Marlborough 16th Dec. 1689, commenced his education at the Grammar School of his native town, and thence passed to Exeter College, Oxford, where he was a commoner. In 1707 he quitted without graduating and entered at the Middle Temple. In 1735 he was made recorder of Bristol, and in the following year promoted the establishment of the infirmary there, the first institution of the kind out of London. The house was erected in 1737, and for many years Mr. Foster superintended its management. In his character of recorder it was his office on one occasion to deliver an address to the Prince Frederick and the Princess of Wales, when they made a public entry into Bristol; this was in 1738. On the recommendation of Lord Chancellor Hardwick he was ^{in 1745} ~~soon~~ afterwards appointed to succeed Sir William Chappel as a judge of the King's Bench, on which occasion he was also knighted. Such is an outline of his professional career. As a judge, though his decisions are now, of course, somewhat obsolete through lapse of time, yet his character will ever survive as pre-eminent for integrity in a most corrupt age, and for a courage which set every species of flattery at defiance. In the language of his intimate friend, Justice Abney, "When he died, the world lost a very valuable man, his Majesty an excellent subject, and the public a faithful and able servant, *nec me meminisse pigebit.*" Another, though

very different, panegyrist makes the following reference to him :—

“Each judge was true and steady to his trust,
As Mansfield wise, and as Old Foster just.”

Churchill's Rosciad.

His independence of character was prominently displayed at the Lent assizes for Surrey in 1758, in an action which created much observation at the time, against Martha Gray, keeper of Eastsheen Gate, in Richmond Park (of which park the Princess Amelia, daughter of King George II, was then ranger), for obstructing the way. The following letter from Mr. (afterwards Lord) Thurlow to Mr. Ewen, a nephew of Mr. Justice Foster, then, and for many years afterwards, clerk of the peace for Wiltshire, will sufficiently exhibit the high position which the upright judge will always hold in public esteem.

“Dear Sir,—I write at the hazard of your thinking me impertinent, to give you the pleasure of hearing *that* of your uncle, which in all probability you will not hear from himself. I mean the great honour and general esteem which he has gained or rather accumulated by his inflexible and spirited manner of trying the Richmond cause, which has been so long depending, and so differently treated by other judges. You have heard what a deficiency there was of the special jury, which was imputed to their backwardness to serve a prosecution against the Princess. He has fined all the absentees £20 a-piece. They made him wait two hours, and at last resort to a *tales*. When the prosecutors had gone through part of their evidence, Sir Richard Lloyd, who went down on the part of the Crown, said that it was needless for them to go on upon the right, as the Crown was not prepared to try that, this being an indictment which could not possibly determine it, because the obstruction was charged to be in the parish of Wimbledon,

whereas it was in Mortlake, a distinct parish. They maintained their own poor, upheld their own church, and paid tythes to their own parson ; and ' Domesday Book ' mentions Mortlake. On the other side, it was said that ' Domesday Book ' mentions it as a baron's fee and not as a parish, and that the survey temp. Henry VIII, mentions Wimbleton *cum capellis suis annexis*, and also that a grant of it, temp. Edward VI, makes provision of tythes for the vicar to officiate in the chapel of Mortlake. The Judge turned to the jury, and said he thought they were come there to try a right which the subject claimed to a way through Richmond Park, and not to cavil about little low objections having no relation to that right. It is proved, he said, to be in Wimbleton parish ; it would have been enough if only reputed to be in Wimbleton parish, for defendant and jury were as sensible of that reputation as the prosecutors ; but had it not been so—he thought it below the honour of the Crown, after this business had been depending three assizes, to send one of their select counsel, not to try the right, but to hinge it upon so small a point as this. Upon which Sir Richard Lloyd made a speech setting forth the gracious disposition of the King, in suffering this cause to be tried, which he could have suppressed with a single breath, by ordering a *nolle prosequi* to be entered. The Judge said, he was not of that opinion. The subject is interested in such indictments as these for removing nuisances, and can have no remedy but this, if their rights be encroached upon. Wherefore he should think it a denial of justice to stop a prosecution for a nuisance which his whole prerogative does not extend to pardon. After which the evidence was gone through, and the Judge summed up shortly but clearly for the prosecutors. [The defendant was convicted.]

It gave me, who am a stranger to him, great pleasure to hear that we have one English judge whom nothing can

tempt or frighten, ready and able to hold up the laws of his country as a great shield of the rights of the people. I presume that it will give you still greater, to hear that your friend and relation is that judge, and that is the only apology I have to make for troubling you with this.

“ E. THURLOW.”

Fig-Tree Court, Inner Temple,
11th April, 1758.

Sir Michael was the author of several works. As early as 1720, he had published a letter of advice to Protestant dissenters; but a treatise which excited much more observation was his attack in 1735 on Bishop Gibson's assumption of clerical power as laid down in that prelate's *Codex juris ecclesiastici Anglicani*. His report of the trials of the rebels of 1745 was published first in folio, and afterwards in 1776 reprinted in octavo. Besides aiding the dissenters by his pen, he was instrumental in removing the persecution under which they laboured in the city of London, where by virtue of the Test Act, an unremitting attack was long made on those who would not accept the office of sheriff. The fines, thus dragged from the dissenters, amounting to £15,000, the corporation of London applied to building the present Mansion House. But the affair being brought to issue by the spirited opposition of Mr. Allen Evans, who was prosecuted for refusal to pay, Foster and other judges reversed the judgment of the city courts, and on the motion of Lord Mansfield, that reversal was affirmed in the House of Lords.

Sir Michael had married, in 1725, Martha, the eldest daughter of James Lyde, of Stanton Wick, Somerset, Esq., and they were both buried in the church of Stanton Drew, in that county. His own age was seventy-four, dying in 1763. His lady, who had predeceased in 1758, was fifty-six. He left no descendants. His three sisters who survived him were the mothers of his three executors and nephews, Michael Ewen,

Michael Dodson, who was also his biographer, and Samuel Hawkes. An exquisitely engraved portrait, by James Basire, was published with his life in 1811, the original being stated to be in the possession of Mrs. Dodson.

MICHAEL DODSON, his ^{nephew} ~~son-in-law~~, was born at Marlborough, in 1732. He studied under his uncle Sir Michael Foster; and after being admitted of the Middle Temple, practised with reputation as a special pleader, but was not called to the bar until 1783. He died in 1799. His legal knowledge and discrimination were highly estimated. He published a new edition of Justice Foster's 'Report of the Trials of the Rebels,' and wrote also the life of his uncle Sir Michael Foster. In 1790, after many years' study, he published a 'New Translation of Isaiah,' in which he is stated to have taken unwarrantable liberties with the text, and which induced an able answer from Dr. Sturges, in 'Short Remarks on a new Translation of Isaiah,' to which Mr. Dodson replied with candour in 'A Letter to Dr. Sturges,' &c. *Aikin's Gen. Biog.* Mr. Dodson died s. p. 1799. His only sister, Martha Dodson, died unmarried in 1794.

CHAPTER VIII.

WILTS MILITIA—EDWARD GIBBON—LORD CHATHAM—SILBURY HILL
EXCAVATED—ALBOURN FIRE—WEARING OUT OF THE CORPORATION—THE REV. CHARLES FRANCIS'S RESIGNATION—THE WILT-
SHIRE REFORMERS OF 1780—CAUSE OF THE WAR—GEORGE III
AT TOTTENHAM—MILITARY MEMORANDA—WELLESLEY, BENETT,
AND ASTLEY—MODERN MISCELLANEA.

WILTS MILITIA.

1758. IN pursuance of an Act for the better ordering of the militia forces of the country, the Wilts battalion was this year altogether reorganized, and made to consist of 800 men.

In the month of August, the deputy-lieutenants held a general meeting at [Devizes?] for the purpose of forming the battalion into ten companies of eighty men each, raised from ten divisions of the county. This local adjustment was entrusted to Thomas Phipps and John Turner, Esquires, receivers general of the land tax; and their plan was ever after adhered to. Their details give evidence, among other things, that the relative population of some of the towns has somewhat altered since that period. Thus, while Devizes had to furnish fourteen men, Trowbridge was only required to produce twelve, Warminster thirteen, Marlborough eleven, Calne nine, Malmesbury six.

The battalion completed, and placed under the command of Lord Bruce, began, after various preliminary exercises, to receive in the spring of 1759 daily orders for its more efficient government and regulation. From these orders a history of the twelve years' campaign of the corps might well be compiled; but passing the graver parts of the subject, we shall merely notice a few random bulletins.

One of the first resolutions of the lieutenants and officers proposes "that the officers dine alternately at the Black Bear and the White Swan, at a shilling ordinary; and that each gentleman call for his own wine." But another item in the victualling department, dated 20th Nov., 1761, is not of so sumptuous a character. It certifies that seventeen pence per week each man shall be stopped for furnishing the messes with meat and small beer. This sum is divided thus:—On Tuesdays sixpenny worth of meat for each man, on Thursdays eightpenny worth, and for the whole week, threepenny worth of beer. It was also expected that they should dine at half-past twelve.

On the 4th of June, 1759. Lord Bruce gives orders that the whole of his men appear "in white gaiters, hair powdered, hats well cocked up, and in perfect order." On the following day, the order is reiterated that "the men are not to let down the cocks of their hats on any account." For three weeks no further mention of this subject occurs; but on the 27th June, we are startled by the recurrence of the decree more emphatically worded than ever:—"The men are ordered not to let down the cocks of their hats on any account whatever"—"and also to keep the skirts of their coats constantly hooked up." On the 6th of September, Lord Bruce commands the officers to see that the men's gaiters fit well. Subsequently they are ordered to appear at roll-calling with clothes well-brushed, shoes blacked, and hair combed and plaited, and turned under their hats; and the officers are warned to "caution their men, in the strictest manner, to be clean shaved, and have their hair powdered, and tied back in a soldier-like manner." In the article of gaiters, it is worthy of remark that the effect produced by change was not unstudied. Thus, black, white, and brown, are seen to alternate in succession, though for occasions of unusual display, brown appears to have been the favourite.

At Salisbury, 26th Oct. 1761, an order is issued that "as it will be for the advantage of the regiment, to have every man

provided with a pair of leather breeches, all who are granted furloughs shall first go to Mr. Gibbs's to be measured, and that during their furloughs their pay be stopped to defray the expense of the same." In November they march from Salisbury to Blandford, on which occasion it is enjoined that "those men who have tolerable breeches of any kind do march in them." In June, the following year, "the men are *not* to march in their breeches if it can be avoided." This illustrates the care of the commander to preserve the regimental wardrobe from unnecessary wear and tear,—the regulation shoes and stockings, ammunition, &c., not being allowed on occasions of over exercises. [Here it may be proper to observe that their undress consisted of loose canvas trowsers and white flannel jackets.] During the latter years of the campaign, the cock of the hat appears to have lost some of its value, almost the only subsequent mention of this article being contained in a direction dated 22d Sep., 1762, reminding the men that they will "look to the major for a signal"—not to attack,—certainly not to retreat,—but the men will "look to the major for a signal to—*put on their hats.*" Here, it will be observed, there is no allusion to the cock, but to preserve the appearance of unity, the officer is at the same time commanded to "keep his eye on the major." A day or two within the same period it is ordered that "the quarter-master sergeants, at seven o'clock in the morning, be in the field with their *wheelbarrows.*"

On 28th November, 1762, the "slovenly squad" and recruits, receive orders "to appear clean, but in their own clothes, for the purpose of firing powder in the afternoon."

A short time previously, the two regiments in camp near Winchester are generously allowed, "in consideration of the late rains," a truss of straw to each tent, "to refresh them."

Under the head of camp morals and manners, we find sundry specimens of petty larceny, robberies amongst comrades during the hours of sleep, destruction of corn, hedges, planta-

tions, and the like; besides various cautions against cleaning shoes on the bedsteads, ironing on the blankets, and selling strong beer in barracks on pain of having it thrown away. There are also repeated cautions and severe punishments executed against the common men for the practice of galantry; though, if we may judge from the following instance, this severity had no terrors for the officers:—On the night of the 20th July, “a garnet bracelet, or several strings of red beads, with a locket, was lost in or near the Wilts, Bedford, or Dorset regiments; whoever finds it, and will bring it to the Major of brigade, shall receive a crown reward.”

Another order against the ladies is as follows, “No woman with young children to be allowed in the barracks on any account.” At the same time, the sergeants are ordered to prevent the men from loading *unnecessary baggage*, i. e. carrying their wives with them.

23d August, 1762. It is commanded that “no men be sent on the detachment but such as have had the small pox.”

But a really serious matter was that of military flogging, a system which, at the time of which we are speaking, flourished in all its glory. It was early adopted in the battalion, was resorted to in all offences great or small, and continued to be acted upon with relentless severity, throughout the whole period of twelve years which these orders include. One remark it is very essential to add,—the whipping was confined to the common men. An offence which in their case could only be purged by streams of blood, subjected a petty officer to twenty-four hours in the black hole, or to the so-called punishment of degradation. Within a year of the formation of the corps, John Faulkner, a drummer, was tried for behaving to the prejudice of good order, by coming into the field “without breeches.” He also behaved insolently to the Court. For these offences he received 200 lashes, and was drummed out of the regiment. In 1770, Edward Allen, a private, was sentenced to receive 100 lashes, and to ask

pardon of Sergeants Hay and Pritchard, on his knees, at the head of the regiment, for being "insolent" to them, and "parading too late for exercise." *Query*, which of the two, the sergeant or his victim, felt most emphatically at that moment, *Vermis sum?*

EDWARD GIBBON.

In scenes such as these were passed some of the early years of the author of 'The Decline and Fall of the Roman Empire.' In writing the history of a place which is now become a seat of learning, it will not perhaps be deemed an error, if for a moment the reader's attention be drawn aside to contemplate, in an adjacent town, a passage in the career of so remarkable a man.

For three years Edward Gibbon was a captain of Grenadiers in the South Hants Militia. He observes in his 'Diary,' that when himself and his father, with other gentlemen, had enrolled themselves in the service, they entertained but little idea that they should have been torn from their farms and profitable occupations, and paraded about the country for so long a period, that when the King's order for disbanding them came down, it was too late to retreat, and too soon to repent. Yet with all the distractions of such a life, he still found time for study. The amount of reading which he details in his journal accounts for the astonishing accumulation of materials, and comprehensive grasp of subject which afterwards characterized the great work of his life. Unknown among the artisans of a manufacturing country town, and unnoticed by the neighbouring gentry, his ambitious spirit was silently rearing a fabric of renown such as was never yet attained by any efforts short of the most unremitting. His regiment it appears lay at Devizes during the autumn of the year 1761. Mr. Gibbon was then twenty-four years of age. His journal of the 28d Oct. says, "we marched to the populous and disorderly town of Devizes" "Our first design [on leaving Winchester] was to

march through Marlborough, but finding on inquiry that it was a bad road and a great way about, we resolved to push for the Devizes in one day, though nearly thirty miles. We accordingly arrived there about three in the afternoon." . . . "Nothing could be more uniform than the life I led there. The little civility of the neighbouring gentlemen gave us no opportunity of dining out. The time of year did not tempt us to any excursions round the country; and at first my indolence, and afterwards a violent cold, prevented my going over to Bath. I believe in the two months I never dined or lay from quarters. I can, therefore, only set down what I did in the literary way. Designing to recover my Greek, which I had somewhat neglected, I set myself to read Homer, and finished the four first books of the *Iliad* with Pope's translation and notes. At the same time, to understand the geography of the '*Iliad*,' and particularly the catalogue, I read eighth to fourteenth books of Strabo in 'Casaubon's Latin translation;' read Hume's *Hist. of England*, to Henry VII, just published, ingenious but superficial; '*Journal des Savans*,' '*Bibliothèque des Sciences*,'" &c. &c. Another memorial of his studies at Devizes survives in a long essay, consisting of extracts and observations derived from Dr. Hurd's '*Horace*' (Dr. Hurd afterwards became Bishop of Winchester), and during a month's absence from Devizes, in January, he made collections for a *Life of Sir Walter Raleigh*, a scheme subsequently abandoned. "Upon the whole," he adds, "after making proper allowances, I am not dissatisfied with the year." . . . "When I complain of the loss of time, justice to myself and the militia must throw the greatest part of that reproach on the first seven or eight months, while I was obliged to learn as well as to teach. The dissipation of Blandford, and the disputes of Portsmouth, consumed the hours which were not employed in the field; and amid the perpetual hurry of an inn, a barrack, or a guard-room, all literary ideas were banished from my mind." . . . "Amidst the tumult of Winchester camp, I sometimes thought

and read in my tent: in the more settled quarters of the Devizes, Blandford [he was here twice] and Southampton, I always secured a separate lodging and the necessary books."

The South Hants was commanded by Lieutenant-Colonel Sir Thomas Worsley, whose society, in spite of his hyperconvivial habits, appears to have had great fascination for Mr. Gibbon. The following extract illustrates the habits of the officers. "28th August. To-day Sir Thomas came to us to dinner: the Spa has done him a great deal of good, for he looks another man. Pleased to see him. We kept bumperizing till after roll-calling, Sir Thomas assuring us, at every fresh bottle, how infinitely soberer he was grown."

With one more extract, showing Gibbon's desire to excel in whatever he undertook, this subject will for the present be dismissed. "In our quarters of the Devizes and Blandford, we advanced with a quick step in our military duties. The ballot of the ensuing summer renewed our vigour and youth; and had the militia subsisted another year, we might have contested the prize with the most perfect of our brethren."

In the hall at Tottenham Park is a large painting representing the South Hants and Wilts militia encamped near Winchester. The Wilts uniform is scarlet, with blue facings. Lord Bruce is in the foreground, on horseback. There is also represented a private carriage closely resembling those still preserved at Preshute.

1767. During Lord Chatham's last and brief administration, when the difficulties of his position and the declining state of his health were pressing so heavily on his mental powers as to arrest for a while their healthy action, he found it necessary to quit the scene and retire to Bath. Unfortunately for his peace, it was a time when the functions of the prime minister could be least spared. It was, therefore, shortly afterwards announced that Lord Chatham was better, that he would speedily return, and put everything in order. A day was fixed for his return to London; but when he reached the

Castle Inn, at Marlborough, he stopped, shut himself up in his room, and remained there some weeks. His colleagues were in despair. The Duke of Grafton proposed to go down to Marlborough, in order to consult, but on his arrival he found that Lord Chatham was not in a condition to converse on business. In the meantime the parties who were out of office, Bedfords, Grenvilles, and Rockinghams, joined to oppose the distracted government, and being reinforced by the county members, obtained, on a vote for the land tax, a considerable majority. (The remarkable circumstance connected with this division was that it was the first time a ministry had been beaten on an important question since the fall of Sir Robert Walpole.) Lord Chatham never sufficiently rallied to resume his place; and in the course of a few months, the King received a few lines in Lady Chatham's handwriting containing the request dictated by her lord, that he might be permitted to resign. (*Edin. Rev.* 162.)

1776. About this period several gentlemen in Bath and Bristol, headed by the Duke of Northumberland and Colonel Drax, entered into a subscription for the purpose of excavating Silbury Hill; and while the miners were engaged in the task, a correspondent of the *Salisbury Journal*, with the intention of throwing ridicule on the undertaking, narrated through the medium of that paper, that some years previously a poor boy who was carrying a pitcher of milk along the high road at that spot, fell down and broke the vessel. A tailor, who lived at Avebury close by, met the boy lamenting his case just at the same moment that a carriage appeared in sight. He, therefore, directed him to shout out lustily in order to excite the compassion of the passengers, and advancing up to the coach himself, observed that the poor lad had but too much reason for his lamentations, for the urn which he had broken had but just before been exhumed by his father, and as a piece of antiquity was of such rare value, that Dr. Davis,¹ of Devizes,

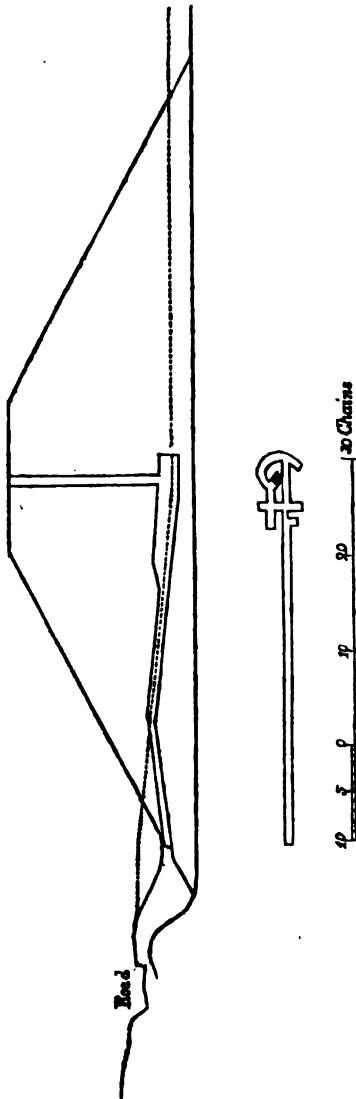
¹ The author of the 'Origines Divisiane.'

would no doubt have given a guinea for it. This declaration so wrought upon the curiosity of the travellers, that after due examination of the fractured vessel, and a consultation as to the possibility of uniting the fragments, they agreed to give a crown for the article, and drove off with their prize. The tailor then gave the boy one shilling, and appropriated four to himself.

The above-mentioned investigation of Silbury Hill is alluded to in Douglass's '*Nenia Britannica*,' p. 161. It seems pretty clear that no deposits have ever been found since the days of Stukeley; and the excavations made in July, 1849, have set the matter at rest. Stukeley affirms that "the great king" was turned up, not far below the summit, together with his horse's bridle and bit; and certainly the negative results of all subsequent explorers have left undamaged the Doctor's veracious testimony.

The examination made in 1849 was executed under the auspices of the Archaeological Institute of Great Britain, by Mr. Henry Blandford, a surveyor extensively employed in Wiltshire; and whereas the shaft of 1776 had been carried downwards through the centre, that of Mr. Blandford penetrated horizontally, opening as near the base as possible on the side facing the high road, where a neck of land unites the mound with the high ground on the south. Having advanced about a third of the distance with a gentle rise, the surface of the natural ground on which the mound had been raised was discovered, plainly indicated by a black streak. The remainder of the tunnel then followed this line, which gradually sloped downwards towards the north. On reaching the centre (which was eighty-seven yards from the entrance), a somewhat larger accumulation of turfy mould was perceived, thrown up in a conical form, and conjectured to have been the first deposit or nucleus of the entire structure. But beyond fragments of bones and antlers, nothing was found at any stage of the proceedings calculated to throw light on the object for which the hill was

raised. In order fully to explore the central portion, the gallery, as will be seen by the accompanying plan, was carried round in a half circle, and various chambers pierced in its sides.



SECTION AND PLAN OF SILBURY HILL, SHOWING THE OPERATIONS THERE IN 1776 AND 1849.

The first chamber, executed towards the east, was sunk ten feet, but exhibited nothing but some sarsen stones. Another chamber brought to view the shaft sunk in 1776 (indicated in the annexed plan by a black spot), which it was evident had been carried down below the natural surface, but how far could not be ascertained, as the materials with which it had been re-filled, were not sufficiently consolidated to allow of the workmen disturbing them with impunity. Before closing the tunnel, memorials of the undertaking were deposited in the centre, printed on paper, scratched on glass, and impressed on lead. Mr. Richard Falkner, of the Devizes bank, who took considerable interest in the progress of the work, and by whom the above account was furnished, is of opinion that the removal of the sarsen stones in the east chamber might possibly have resulted in the disclosure of a kistvaen, though he would be far from detracting in the smallest measure from the exertions of Mr. Blandford, whose zealous execution of his task went far ahead of pecuniary compensation. An exceedingly interesting and copious account of the excavation of 1849 was written by the late Dean Merewether, and published in the Wiltshire volume of the Archæological Institute's proceedings; illustrated by numerous admirable drawings.

The following are statements made in 1849 by two old men, as to the former examination of Silbury Hill:—

“Richard Maskelyn, of Beckhampton, aged eighty, has often heard his father tell of the miners out of Cornwall that cut into Silbury Hill. They went, as he heard, down to the bottom, and they found a man.”

“John Blake, of Avebury, aged ninety-five, states that he recollects when the miners from Cornwall dug into Silbury Hill. It was when he was keeping company with his first wife, and was about twenty years of age. He went with her to see the place, and they cut her gown. They went down to the bottom and found a man, *i. e.* a skeleton in the phraseology of the Wiltshire Downs, where the flint-diggers are constantly

in the habit of finding skeletons, both in the barrows and frequently on the verge or slope of them, as well as in the plain down, unmarked by any irregularity of surface. These two old men, therefore, may have been led to infer what was expected, and to declare that 'a man' was found; though such assertion indicates rather what they would deem likely than the positive fact." (*Merewether's Examination.*)

1777. In the month of August a destructive fire swept through the town of Albourn. The first announcement of it, in the 'Salisbury Journal,' is in the following terms:—"In 1760 the town of Albourn, in Wilts, was laid in ashes by the devouring flames. The ruined inhabitants felt a most compassionate alleviation of their misfortunes by the great generosity of the public on that mournful occasion, and by voluntary contributions of humane persons partly reinstated their losses. But the blow was scarcely recovered when on Sunday afternoon, 24th August, 1777, the town was almost entirely destroyed again by fire. The wind was high at south-west. The fire began at the very first house to the windward. The buildings were mostly thatched with straw. No water equal to the flames; no engines; no suitable assistance. In a few minutes there was a train of fire in the line of the wind above a quarter of a mile in length, nor did it stop till it seized the last barn and hay-rick at the end of the town. The rapidity of the flames defeated all attempts to save anything. Houses, hovels, twenty-six barns, stables, granaries, a malt-house, shops, corn, a great quantity of hay, malt, fustians (the manufacture of the town), looms, chests of tools, instruments of husbandry, furniture, wearing apparel, were all indiscriminately destroyed. No lives lost, the fire breaking out about noon, but many are burnt, maimed, and hurt; and harvest is just beginning. The principal inhabitants immediately assembled in the parish church to consider how to proceed in the present exigence, and it being recommended to them to choose a committee to conduct their affairs for the general benefit in

the present distress, they have accordingly nominated a committee consisting of the minister and six of the inhabitants to distribute impartially to the relief of the sufferers such charitable contributions as shall be received."

Other announcements convey the thanks of the sufferers to the Right Hon. the Earl of Ailesbury for his generous example in transmitting to them £100 by the hands of the worshipful the mayor of Marlborough:—To Sir William Jones, bart., of Ramsbury, for his personal exertions during the fire, and for a present supply of money:—"To the Rev. and humane Mr. Innes, minister of Devizes, and to the worshipful the mayor and inhabitants of that respectable town, for their alacrity in this distressing affair:—To the worshipful the mayor of Marlborough, and such inhabitants of that town as have appeared early, to the honour of humanity, by sending provisions, and by friendly assistance during the calamity:—To the lord mayor, aldermen, and common council of London:—To Henry Hoare, Esq., for his donation of £100:—To the Duke of Marlborough, who gave a hundred guineas:—To the Earl of Radnor, Lord Barrington, Edward Southley, Esq., Henry Read, Esq., and others." Other subscriptions were the following. The Rev. Edw. Butt, vicar of Albourn, £3 12s.; Ambrose Goddard, £20; Charles Penruddock, £20; Lovelace Bigg, of Chilton, 10 guineas; the Bishop and city of Salisbury, £92; Devizes, £59; Marlborough, £71; Newbury, £80; Ramsbury, £11; the Ogbourns, 10 guineas. As individual application for relief was considered impracticable, circulars were addressed to the clergy. "The deanery of Marlborough," it was remarked, "have Messrs. Pococke and Meyler amongst them, who, as clergymen, will provoke to good works by their example, and as members of the county committee can aver the fidelity of our proceedings." The Albourn committee on the occasion consisted of J. Neale, M.A., minister; Stephen Neate and William Read, churchwardens; Thomas Bunce, John Pike, John Brown, and George Church. The total loss,

after deducting £3000 covered by insurance, was finally estimated at £10,000.

Fourteen weeks after the conflagration, it was reported that the fire was not totally extinct, having been discovered smouldering under a quantity of malt. It is probable that Albourn never fully recovered from the effects of this calamity. The committee, in one of their appeals, entreat the county to come forward, and "relieve one of its antient market-towns, fallen to decay." Other causes, beside the fire, had no doubt contributed to produce the decadence of the town, but this may have accelerated it. Mr. Britton's assertion that Albourn has been identified by some persons with Goldsmith's 'Deserted Village,' must have arisen purely from the resemblance of its name to the poet's assumed one of "Auburn;" the actual change in its fortunes having never been so entire as to warrant anything like a further parallel.

5th May, 1817. Albourn was again visited by the calamity of fire, which destroyed fifteen cottages, three barns, two malthouses, carpenters' and smiths' shops, and a large quantity of grain. It broke out at noon, and the occasion of it remained a mystery. The next day the inhabitants held a meeting in the vestry, Stephen Neate, Esq., in the chair, for the purpose of tendering their thanks for assistance already rendered, and opening a subscription list at various neighbouring banks for the relief of the sufferers. The committee consisted of the Rev. Dr. Meyrick, Mr. Wentworth and Mr. Gould, churchwardens; Mr. Richard Crouch, Mr. William Butler, Mr. John Brown, overseers; Mr. Neate and Mr. Wells.

1781. A fire broke out at Ramsbury, which in a very short time destroyed forty dwelling-houses with their back buildings, five barns, one tanyard, two malthouses, &c. Damage estimated at £20,000, only one half of which was insured. It arose from a chimney taking fire, where a person was brewing.

WEARING OUT OF THE CORPORATION.—Notwithstanding the effort made, in 1711, to abrogate the practice of chusing the mayor from a pricked trio [see page 353], the practice continued till the reduced number of the council converted the whole proceeding into a farce. Instead of the entire body of the burgesses giving their attendance and their votes, the management of everything was now in the hands of half-a-dozen gentlemen, whose very officials were not even counted for burgesses. A naked form survived, but its meaning had exhaled.

On the 14th of August, 1778, John Smith, Richard Francis, and William Peck were put in nomination by a council of five, for one of the three to be elected mayor,—which fact was forthwith “notified to the *burgesses at large*,” assembled for such election [a large body represented by the worshipful Benjamin Tarrant, Esq., who moreover happened to be absent]. “Then the mayor and council adjourned back to the Guild-hall” [from which it would appear they had never stirred], and the three gentlemen aforesaid were put in nomination, and John Smith was elected.

On a similar occasion, viz. in 1783, the election took place under the following circumstances. There were present Charles Bill, gent., mayor, and John Baverstock and Thomas Warner, justices; while the antient community of burgesses and council was represented by William Fuidge, the remaining two, William Francis and the Rev. Charles Francis, being absent. Then followed the usual formalities, reading the Act against bribery and corruption, &c.

The following statement will show the ratio at which the system of exclusion had been going on, when once set in motion:—During two or three centuries previous to the seventeenth, the number of burgesses probably averaged one hundred, or somewhat less than a third part of the male population, between the ages of 17 and 60; for although only thirty-three names occur in the subsidy-rolls of Edward III, these

must be understood as the wealthy portion of the community, in the same way as at a much later date; that of James I, only forty-two persons are returned as liable to contribute, when we have better means of knowing that there certainly were at least a hundred enrolled burgesses, if not more. In 1614, for instance, ninety-three (including the common council) are registered as attending a morrow-speech court, to which number, if we add the infirm, the absent from town, and the indifferent, we may, without violating probability, swell it to about 110. Sometimes, probably not half the burgesses attended these meetings. In 1532, eighty-one names are recorded, including twenty-four of the council; in 1542, only fifty-three. (In 1606 the able-bodied men, including servants, between the ages of 17 and 60, were calculated at 345.) In a list dated 1615, the burgesses' names are eighty-eight, and from this period must be dated the commencement of the diminishing system. The numbers of the governing party sank by an uniform gradation till 1681, when they appear to have consisted of only thirty-seven members, including twelve council; but this year, thirty-two were added in a lump in order to appease the rising clamour of the unrepresented masses. In 1740 they had again sunk to a total of sixteen, from which time the burgesses and council changed places as to number, the latter constituting the ostensible corporation, while the half-dozen other burgesses or the "*undignified*," as they were long termed in their records, were mere hangers-on, waiting their turn to be admitted into the more secret recesses of the cabal, should their good behaviour warrant such promotion. In 1741 the council are eleven, the undignified three. In 1744 the council are eight, the undignified eight. In 1776 the undignified are reduced to one. In 1785 they have disappeared. In 1793 there are six council and two burgesses; and to complete the tale down to the period of parliamentary reform, the body, after 1805, was generally composed of ten council.

THE REV. CHARLES FRANCIS'S SECESSION FROM THE CORPORATION. In 1779 the Rev. Charles Francis, M.A., of Mildenhall, was proposed by the mayor to be a Burgess, and unanimously approved of. In the following month he was elected one of the council, and then sworn in as mayor for the ensuing year. He appears to have maintained amicable relations with his brethren in office for a great many years; but in 1796 the following entry occurs :—

The Rev. Mr. Francis having presented certain resolutions for the consideration of the council of the borough, it is ordered that copies thereof be made and delivered to each member of the corporation, and taken into consideration at the adjournment of this court.

12th Aug., 1814. The mayor produced a letter written to him by the Rev. Charles Francis, M.A., one of the burgesses of this borough and one of the council, of which the following is a copy.

“ Mildenhall, 12th July, 1814.

“ Dear Sir,—As it appears to me to be certain that I shall be called upon to-morrow to prove the reality of the assurance I gave you, when you favoured me with your visit here on the 26th last month; I beg permission not only to repeat that assurance, but to request you will officially accept my resignation' as one of the burgesses and common council of the borough and town of Marlborough, of which corporation I can consider myself to be a member no longer, if the alteration you mention take place.

“ I desire you to assure yourself and your brethren of the Marlborough corporation, that my present determination is neither sudden nor hasty. It is one that has been [made] for a very considerable time past, and upon a very cool deliberation, I have no other reason for not attending your adjournment and for not avowing this determination in person, besides that of knowing the frivolity of declaring the decision of a single

individual in the teeth of a preconcerted and settled engagement and plan. I am, dear Sir, your very humble servant,

CHARLES FRANCIS."

"To John Ward, Esq., the worshipful
the Mayor of Marlborough."

"The said letter having been read, and Mr. John Eyre, one of the council, having reported that Mr. Francis continues in the determination expressed in that letter, it was resolved that search be made for precedents of the resignation of a burgess and common-councilman, and that inquiry be made as to the proper form to be used on such occasion, and that the result of such search and inquiry be communicated to the court at the next court of morning-speech."

28th Sep. "In council-chamber. In consequence of the minute made at the last court, Mr. John Eyre and Mr. John Brown reported that they had searched for a precedent for the resignation of a burgess and common-councilman, but could find none. Mr. Ward was desired to explain, what was the alteration to which Mr. Francis alluded in his letter, entered in the minutes of the last court, and Mr. Ward accordingly explained, that the then proposed election of Mr. Thomas Merriman, Mr. John Halcombe, and Mr. Nicholas Washbourn, to be burgesses of this borough, was the alteration which Mr. Ward mentioned to Mr. Francis; and the said election having taken place on the 13th of July last, it was Resolved, that it is considered by the members of the council now here present, that the said letter of Mr. Francis is a sufficient resignation of his office of common-councilman of this borough, and that his resignation of his said office be accepted accordingly." [The searchers for a precedent of a councilman retiring could not have been very careful, since they possessed the record of a similar instance in the case of Thomas Brunsden in 1686. See page 338.]

Mr. Francis, for thirty-three years rector of Mildenhall and Collingburne Ducis, and prebendary of Sarum, was born

1751, and died Oct. 3d, 1821, aged 70 years. This public spirited gentleman devoted much money and time to repairing and beautifying the church at Mildenhall. His taste for history and his museum of local antiquities have already been alluded to in the early part of this work. At the county meeting held at Devizes, in 1794, for augmenting the Wilts militia, his name appears among the list of subscribers to the amount of twenty pounds for the furtherance of that object. By his will he bequeathed £4000 to purchase a piece of ground and erect a school-house at Mildenhall, with residences for the master and mistress; the scholars to consist of the children of the neighbouring peasantry. An appropriate building was in consequence erected from the designs of Robert Abraham, Esq., architect, of London. The Bishop of Salisbury was nominated visitor; and Daniel Jones Long, and Charles Few, Esquires, trustees for carrying the plan into effective operation. Mr. Francis's sepulchral monument, sculptured in white marble in the style of Henry VII, is placed on the north wall of the chancel. He was for a time rector of Wath, near Ripon, and <sup>not
on burial</sup> was a descendant of the Rev. Jonathan Lipyatt [or Lypeatt], the Marlborough family.

1780, January 26th. A numerous county meeting, convened by the sheriff, Robert Cooper, Esq., at Devizes, passed various resolutions in opposition to the parties in power, insisting on a revision of the public expenditure, and proposing a reform association on a large scale, fifty-one gentlemen, conspicuous in the county, being appointed to carry on the necessary correspondence. Sir William Jones, of Ramsbury, read a petition which he had prepared, though the one ultimately adopted was copied from that of Yorkshire. Other gentlemen from this neighbourhood who took part were, Wm. Northey, Esq., of Lockeridge, Thos. Browne Calley, Esq., of Burderop, and the Rev. Mr. Pococke, of Mildenhall. Charles James Fox, in his speech on this occasion, observed, that the lately deceased Lord Chatham's idea of parliamentary reform

contemplated an increased number of county representatives. Certainly it was a strange thing to see so many landed proprietors, some of whose ancestors had fought for the Stuarts, now arrayed against the corruptions of government, whilst the only person who had the courage to state the opposite view at the meeting was Mr. Coke, of Trowbridge. He however finished by seconding Sir William Jones.

It is now very well known, or ought to be, that the declaration of war against the French republic, in 1793, was a most unprovoked assault on that people, and was adopted merely as a means of averting that inquiry into home abuses, which would otherwise have soon become irresistible. When the voice of common sense was at last drowned, and the nation fairly embarked in a crusade against the new opinions of France (and this was the avowed motive), there appeared a sort of necessity for carrying it on, till it changed its name and became a war against the tyranny of Napoleon. And now, the late Duke of Wellington is exalted to the position of saviour of the nations; and honoured, not as the dutiful subject of his sovereign, a title which he really claimed and really deserved, but as another William Tell, the avenger of bleeding liberty, and the restorer of order and justice. At the bottom of his heart he must, in his better days, have regarded the ascription of all these attributes as something hardly better than a *mauvaise plaisanterie*, though *his* sense of what he regarded as duty, did not allow of his repelling the absurdity.

On a point such as this, Sir Archibald Alison's 'History,' the text-book for all the war advocates, may well be assumed as an authority of some weight. Let us hear his testimony. "The danger the Government apprehended lay nearer home than the conquests of the republicans. It was not foreign subjugation, so much as domestic revolution, that was dreaded, if a pacific intercourse were any longer maintained with France." "The passions were excited, democratic ambition was awakened; the desire of power under the name

of reform was rapidly gaining ground among the middle ranks ; and the institutions of the country were threatened with an overthrow, as violent as that which had recently taken place in the French monarchy. In these circumstances, the only mode of checking the evil was by engaging in a foreign contest, by drawing off the ardent spirits into active service ; and in lieu of the modern desire for innovation, rousing the ancient gallantry of the British nation."—(Vol. iv. p. 7.)

The event answered the expectation. "The war," says Mr. Cobden, "diverted men's minds from every domestic grievance. Hatred to the French was the one passion henceforth cultivated. All political ameliorations were postponed : reform of parliament, a question which had previously been so rife that Pitt himself, in company with Major Cartwright, attended public meetings in its favour, was put aside for forty years ; and even the voice of Wilberforce, pleading for the slave, was for several successive sessions mute, amidst the death struggle which absorbed all the passions and sympathies of mankind." (1793 and 1853, *Three Letters, by Richard Cobden*, p. 45.)

It is astonishing, how successfully the old "grudge against our hereditary enemies the French" was worked. Many of the reformers of that day would not have known their sons, hardly themselves, twenty years later. The fantastic gesticulations of Burke, flourishing a dagger, had its effect upon the House ; copious markets blindfolded the agriculturists, back-sword cudgelling was permitted to brutalize the labourers, and lotteries undermined industry. Fox stood against the tide like a hero, and in his own county of Wilts headed a band of truly independent men. Here are their names, once more placed on record, which will show the modern reformers of Wiltshire, that their party once comprised some of the first men in the county.

Robert Cooper, sheriff in 1780 ; the Hon. Charles James Fox ; the Earls of Abingdon, Radnor, and Shelburne ; Henry Penruddock Wyndham ; Peter Bathurst, of Clarendon Park

[colonel ?] ; William Bowles, of Heale House ; Charles Penruddock, of Compton chamberlain ; Ambrose Goddard, of Swindon ; Richard Smith, of Chilton Foliat ; Richard Southby, of Bulford ; William Hussey, of Salisbury ; the Hon. William Henry Bouverie ; Sir William Jones, of Ramsbury, bart. ; Rev. Mr. Townsend, of Pewsey ; John Awdry, of Notton ; Rev. Dr. Warneford, of Sevenhampton ; William Pierce Ash A' Court, of Salisbury ; the Rev. Dr. Harrington, of Salisbury ; H. Dawkins, of Standlinch ; Lovelace Bigg, of Chilton ; Edward Poor, jun., of Tidworth ; Samuel Cam, of Bradford ; Thomas Bythesay, of Wick House ; William Northey, of Lockeridge ; Richard Atwood, of Bradford ; Henry Eyre, of Brinkworth ; Rev. John Bowle, of Idmiston ; Edward Poore, of Wedhampton ; Thomas Vilett, of Swindon ; Thomas Browne Calley, of Burderop ; Tristram Huddleston Jervoise, of Britford ; James Montague, jun., of Lackham ; Rev. Richard Pococke, of Mildenhall ; William Talk, of Salisbury ; Robert Ash, of Langley Burrell ; Edward Horlock Mortimer, of Trowbridge ; the Rev. Dr. Kent, of Potterne ; John Yerbury, of Bradford ; Matthew Humphreys, of Chippenham ; William Harding, of Swindon ; Esmead Edridge, of Chippenham ; John Reeve Edridge, of Chippenham ; Richard Long, of Rood Ashton ; Gaisford Gibbs, of Westbury ; T. Lediard, of Devizes ; Rev. Mr. Polhill, of Milston ; James Sutton, of Devizes ; Thomas Goddard Vilett, of Swindon ; William Dyke, of Sisen-cott ; the Hon. Bartholomew Bouverie ; the Rev. Canon Bowles ; Robert John Buxton ; Humphrey Sturt ; and William Aldridge Ballard. To these may fairly be added, the Earl of Pembroke, lord-lieutenant of the county, who was discharged from that high office on account of his vote on Lord Shelborne's motion for the retrenchment of the civil list. It was this which occasioned the stormy meeting at Devizes above referred to ; and was also the period of the duel between Lord Shelburne and William Fullarton, member for Plympton.

In 1783, in virtue of the recent peace, an order for disembodiment of the Wilts militia, and a letter from the secretary at war, by command of his Majesty, were read at the head of the regiment at Devizes. The letter from the King was expressive of approbation, and directed that the men should retain all their clothes and knapsacks in their own possession, besides bounty, arrears, and fourteen days' pay to carry them home.

Four companies then placed their arms in the town-hall and separated; the remaining six companies, next week.

1789. When the King was travelling for his health, during the early period of his mental malady, he arrived at Tottenham Park from Longleat (on the 19th Sep.), accompanied by the Queen and Miss Burney, and three medical attendants. In the diary of the young lady (afterwards known as Madame D'Arblay) occur the following remarks: "The park is of great extent and moderate beauty; the house is very well. Only my Lord Ailesbury as master of the house was admitted. He and his lady were both extremely desirous to make all their guests comfortable; and Lady Ailesbury very politely offered me the use of her own collection of books, but I found at the top of the house a very large old library, in which were sundry, uncommon, and curious old English tracts, that afforded me much entertainment. It is a library of long standing." "The good lord of the mansion put up a bed for the King and Queen which cost him £900. We drove about the park in garden-chairs, but it is too flat for much diversity of prospect." Miss Burney's strictures on the paintings at Tottenham are not those of the professional connoisseur. She recognised beauty in what form soever it met her eyes, and amongst other chef-d'œuvres, with which the hall is undoubtedly graced, she was agreeably disappointed with "a bloody Mary, by Sir Anthony Moore." (*Diary and Letters*, vol. v, page 65.)

It was on the occasion of this royal progress, that an absurd scene was enacted at Devizes, which Miss Burney, not-

withstanding her keen observation and love of fun, does not appear to have noticed. Though the King's movements were not designed to attract publicity, it was thought necessary by the corporation of that town to tender some demonstration of loyalty in the form of an address, to be delivered at the moment the cortège stopped at the Bear Inn. Here, therefore, they waited their time, twelve in number arranged in official gear, and attended by mace-bearers; but when the critical moment arrived, the power of speech forsook the mayor, or whoever it was deputed to read the paper, and the King would have driven off unrecognised, but for the gallant rescue of a military officer, General Crosby, who, residing in the neighbourhood, was present to pay his respects to Majesty on his own account. Perceiving the confusion of the burgomasters, he promptly stepped forward, broke the pantomimic spell by reading their speech for them, and thus extricated all parties from the dilemma. (*Devizes Gazette*, xxviii, June, 1849.)

1790, April 16th. A petition was presented from traders in Marlborough, praying against the rigid exercise of the excise laws, principally in reference to the tobacco trade.

AGISTMENT DEED as to Savernak Forest, between sundry of the inhabitants and the Earl of Ailesbury:—

“Whereas we whose names are hereunto subscribed and seals affixed, being inhabitants of the town of Marlborough, in the county of Wilts, have, as others the inhabitants of the said town heretofore have done, by favour and indulgence of the Right Honourable Charles Brudenel Bruce, Earl of Ailesbury and his ancestors for many years past, fed and depastured our mares and geldings, two to each inhabitant not being certificate men nor split houses, in the said earl's Forest of Savernak, in the county of Wilts, from the third day of May (old style) to St. Martin's day (old style) next following, for one shilling and sixpence for each mare and gelding payable at the times of marking: And whereas,

contrary to the intention of such favour and indulgence, the said inhabitants, or some of them, creating advantage to themselves, have taken in other persons' horses and depastured them in the said forest as their own:—Now we, the said inhabitants, subscribing as aforesaid, do acknowledge the said feeding and depasturing to be by the favour and indulgence of the said earl, and do, and each of us doth, for himself and herself severally and respectively promise and agree to and with the said earl, that in regard of the like favour and indulgence of being permitted to depasture our said horses from the 8d day of May next ensuing to St. Martin's Day next following, old style respectively: We and each of us will pay unto the said earl one shilling and sixpence for every mare and gelding which we shall so depasture at the time of marking as aforesaid: And that we, the said inhabitants, subscribing as aforesaid, or any or either of us, shall not nor will depasture in the said forest during the time aforesaid any more than two mares or geldings, to be our own respective property, and no agistment of strangers nor belonging to any certificate man nor split houses. And if we, or any of us, shall act contrary thereto, then we and each and every of us so acting contrary to the true intent and meaning of these presents, shall and will and do respectively agree to pay upon demand to the said earl the sum of fifty shillings for every mare or gelding which shall be so depastured by us, or any or either of us for any stranger, or which we or any or either of us do not or shall not prove to be our own respective properties. In witness whereof," &c.

Though the admissions, in this document, constitute a clear relinquishment of right on the part of the inhabitants, it exhibits nevertheless internal evidence as to what were the qualifications antiently carrying the privilege, viz., the holding in and of the borough (though "not certificate men nor split houses"): in other words, it was enjoyed by the old *burgesses*, to the total exclusion of strangers, and illustrates

the remarks in a former page as to the real nature of burghesship.

1794, April 24th.—The progress of the war induced a very enthusiastic county meeting to be held at Devizes for the purpose of augmenting the Wiltshire militia, and of introducing the practice of field artillery. The subscriptions on this occasion were very liberal, that of the Marquis of Ailesbury being £300; the Rev. Charles Francis, of Mildenhall, £20; Messrs. T. M. and B. Hancock, £50; John Ward, Esq., £10 10s.; Mr. William Coleman, £5 5s. The Lord Lieutenant and the Duke of Queensbury gave £500 each.

Yeomanry corps were also embodied; the troops of which were at first independent of each other. The earliest was raised in 1793; that of Salisbury was formed in the following year. Lord Bruce commanded the Marlborough troop. They first assembled as one body 18th June, 1798, under Lord Bruce as colonel, and comprised then, as they have ever since done, ten troops. James Sutton, of New Park, Devizes, was lieutenant-colonel.

At a meeting of the select committee, at Devizes, 1st Dec., 1794, it was announced that a sum not exceeding £6000 should be applied to the augmentation of the militia and the purchase of field-pieces: that the captain of each troop of yeomanry cavalry should receive £8 per man for arms and accoutrements, amounting, when the numbers were complete, to £5120, and an additional £50 allowed to each captain over and above the £8 per man, making £500 more. As if all this were not enough, a meeting of the lieutenancy of the county was summoned to Devizes, in June, 1797, to aid in execution of an Act just passed for raising a *provisional* force of cavalry: the officers appointed by the Earl of Pembroke as lord-lieutenant being the Marquis of Bath, colonel; Sir Richard Colt Hoare, lieutenant-colonel; Lord John Thynne, major; Robert Wilson, of Purton, William Purvis Eyre, of New House, Charles William Wapshare, of Sarum Close, to be

captains; Henry Torre, of Box, and John White, of Salisbury, lieutenants.

1796, Nov. 15th.—The Marlborough troop of yeomanry cavalry had a field day on Bayden Lawn, in Savernak Forest; and at the close of their manœuvres addressed their captain, Lord Bruce, in a spirited strain of loyalty, declaring their readiness to follow him to any part of the kingdom, whenever or wherever their services might be thought necessary. The nation was at this time under some apprehension of invasion from France. Ireland, too, was in a state of partial revolt.

During the uncertainty which prevailed in 1798, as to the destination of the French armaments preparing both in the harbours of the Channel and the Mediterranean, the British government felt the greatest anxiety as to the means of providing for the national defence without incurring a ruinous expense by the augmentation of the regular army. A bill was therefore introduced for the purpose of allowing regiments of volunteers to be raised in every part of the country; and in a few weeks a hundred and fifty thousand fresh men were in arms in Great Britain. Sir Archibald Alison remarks, "The volunteer system met with perfect success in England, and brought on none of the evils which had been so sorely felt from the corresponding institution of the National Guards in France. The reason is obvious. The crisis in England at this period was national: in France, in 1789, it had been a social one. It is in general safe to entrust arms to the people when their national feelings are roused: it is always perilous to do so when their social passions are excited, and they see their real or supposed enemies in a particular class in their own country." Another bill, which at the same time received the sanction of parliament, authorized the King in the event of an invasion, to call out the levy *en masse* of the population, conferring extraordinary powers upon lords-lieutenant and generals in command, for the seizure, on such a crisis, of horses and carriages, and providing for the indemni-

fication, at the public expense, of such persons as might suffer in their properties in consequence of these measures.

[Sir Archibald's assumption in the above-named remarks on the national guard, that the French people were less under the influence of patriotic feelings than the volunteers of England, is somewhat at variance with the well-known characteristic of that people—attachment to their native soil: nor, on the other hand, has the proved patriotism of Englishmen, in more modern days, sufficed to convince our government of the safety of permitting the formation of rifle-corps for a supposed similar object.]

In accordance with the above-mentioned parliamentary acts, a general meeting of the lieutenancy of the county of Wilts was held at Devizes, on Monday, 23d April, 1798, for the purpose of exhibiting the proposals of government for a general rising of volunteers and organization of supplies. The interest felt in the question will be shown by the length of the following list:—There were present, The Right Honourable George, Earl of Pembroke, and Montgomery, his Majesty's lieutenant of the county of Wilts, and the following deputy lieutenants, viz.: The Right Honourable Jacob the Earl of Radnor, The Right Honourable Lord William Seymour, The Honourable Frederick St. John, Sir William Pearce Ashe A'Court, Bart., John Awdry, James Sutton, John Hungerford Penruddocke, Edward Horlock Mortimer, Matthew Humphreys, John Jones, jun., Francis Dugdale Astley, Michael Hicks Beach, John Thomas Batt, William Bowles, Thomas Baskerville, Richard Long, William Long, William Hunt Grubbe, and Zachary Bailey Edwards, Esquires, and the Rev. Thomas Goddord Vilett, LL.D., and the Rev. P. B. Brodie, clerk.

The carrying out of the plan will be sufficiently displayed by the following account of proceedings at Marlborough in the ensuing month;—

At a meeting of the inhabitants of the town and neigh-

bourhood held at the Guildhall, on the 2d of May, 1798, Mr. WARD, mayor, in the chair. A letter from the lord-lieutenant of the county to the mayor, recommending the formation of an Armed Association for rendering the body of the people instrumental in the general defence, and other papers sent by his lordship having been read, it was

Resolved,—1st. That under the circumstances stated in his Majesty's message to parliament, it is the duty of all classes to manifest their voluntary exertions for the general defence.

2d. That it is the duty of householders and inhabitants of large towns to form themselves into Armed Associations to assist the civil power in protecting their respective towns and neighbourhoods from internal disorder and insurrection, and for better enabling his Majesty to direct the regular troops against a daring and inveterate army now acting with an avowed design of attempting the invasion of this kingdom.

3d. That such an Association for the protection of this town and neighbourhood, to the extent of five miles round the town, is the most effectual service that can be rendered by the inhabitants.

4th. That in compliance with the last resolution, the undersigned inhabitants, or such of them as shall be approved by a committee, will form themselves into such an Association, and do declare their readiness to be trained and exercised by military men.

5th. That the inhabitants of the parishes and places within five miles of Marlborough be invited to join in the Association.

6th. That the magistrates and members of the corporation of Marlborough for the time being, the Rev. B. Buckerfield, Mr. T. M. Hancock, Mr. B. Hancock, Mr. Cook, Mr. D. Maurice, Mr. T. Maurice, Mr. Gresley, Mr. Kirby, Colonel Baskerville, Mr. Clark, Mr. Griffiths, Mr. Halcomb, Mr. T. Merriman, Mr. G. Gregory, Mr. J. Brunsden, Mr. Warner, Mr. Washbourn, Mr. John Brown, Mr. Merriman, Mr. Pinckney, Mr. Horold, Mr. Mortimer, Mr. Gooding, Mr. Thomas Furnell,

*Brunsd*en

Mr. Brockway, Mr. Shrimpton, Mr. William Furnell, Mr. New, Mr. Day, Mr. Eyre, Mr. Higham, Mr. Harding, and Mr. Coleman, shall be a committee, with power to add; to draw up and prepare (under advice) the rules, orders, military dress, and state of discipline, that shall be deemed desirable; seven to be a quorum.

7th. That principals, if unable to serve, may appoint substitutes, whose good behaviour shall be guaranteed by two householders.

8th. That persons willing to arm and accoutre at their own expense be desired to signify the same to the committee.

9th. That these resolutions be advertised, and left at the printing-office for additional signatures.

JOHN WARD, *Chairman.*

During the early part of this year, 1798, the invasion panic was at its height. Voluntary contributions to aid the efforts of the government flowed in from every town and hamlet. In March, the corporation of Marlborough voted £100 "as a contribution to the State," and books were opened for a further general subscription in the town. The Wilts militia was augmented by a supplemental regiment consisting of 450 men, who, under the command of the Duke of Somerset, were marched to Winchester, and consoled by the rather equivocal compliment, that "having now quitted their native county, they might be considered as completely embarked in the service of their country for the remainder of the war." (*Salisbury and Winchester Journal.*)

In June 1798, the ceremony of the presentation of colours by Lady Bruce, to the regiment of W. Y. C. commanded by Colonel Lord Bruce, took place on Beckhampton Down, in presence of an immense concourse of spectators. The ground, which was chosen by Adjutant Pettit, constituted an uniform slope of half a mile square, Lady Bruce's marquée occupying the upper side, the regiment in five squadrons forming the

lower side, and private carriages ranging right and left; thus constituting a quadrangle of two miles in extent. The space was kept by a detachment of the Devizes Association.

Lady Bruce, in the uniform of the regiment, attended by her two sisters the Hon. Miss Hills, and the Earls of Ailesbury and Digby, entered the ground about one o'clock, and after driving round it, and alighting at the marquée, the ceremony commenced by Cornets Harding, Grubbe, Barton, Astley, and Newman, from the centre of the five squadrons, headed by the major, and supported by the non-commissioned officers, and by half a squadron from the right and left wings of the regiment, marching up to the platform in front of her ladyship's marquée.

The Lord's Prayer, the prayer for the King, and a prayer of consecration, composed by the Rev. Mr. Francis of Mildenhall, as chaplain, were very impressively delivered by that gentleman; after which Lady Bruce presented the standards, accompanying the gift with a spirited address, which was replied to by Major Awdry. A series of evolutions then took place, the most interesting of which was the one which conducted them into the marquée, where they did full justice to a most excellent *déjeuné à la fourchette*, provided and presided over by Lady Bruce. The ladies departed before the feast was over, and the entertainment was concluded by the Marlborough troop escorting their commander home to his seat at Savernak Lodge, where they deposited the standards.

1798, July. The Hon. James Bruce, M. P. for Marlborough and Captain of the Marlborough Troop of W. Y. C., was drowned in the river Don, in Yorkshire, while endeavouring to cross it on horseback. He was brother to Thomas Bruce, seventh Earl of Elgin, a nobleman whose name is popularly known in connection with the collection of Grecian marbles, which his diplomatic mission at the Ottoman Court, 1799—1801, enabled him to secure, and which are now deposited in the British Museum. His sister Charlotte became the wife

of Admiral Sir Phillip Henderson Durham, sometime M. P. for Devizes.

1798, Oct. 21st. Died at Averstock, near Marlborough, Lieutenant-General Sir Adam Williamson, K. B., Colonel of the 72d regiment of foot, occasioned by a fall which fractured his ribs, and produced other internal injuries, from which he languished two days.

1800, May 22d.—At a numerous meeting, held at Devizes, by the officers of the Wiltshire regiment of gentlemen and yeomanry cavalry, it was unanimously resolved that the corps should present an address of congratulation to his Majesty on his recent providential escape from the attack of an assassin. Lord Bruce presented the address to his Majesty at the ensuing levee. A meeting of the nobility and gentry of the county also took place in the same town, summoned by the sheriff G. Y. Fort, Esq., of Alderbury House.

1801. From Lord Hobart to the Earl of Pembroke, lord-lieutenant of the county of Wilts :—

“ Downing Street, 25th Nov., 1801.

“ MY LORD,—I have taken the earliest opportunity of laying before the King your lordship’s letter of the 20th instant, communicating the handsome and public-spirited offer of the Marlborough Association under the command of Captain Baskerville, to continue its services during peace “on the principles upon which it was originally formed;” and I have it in command from his Majesty to express the cordial satisfaction with which he has received so strong a testimony of attachment to his person and government as that which your lordship has conveyed on the part of this corps.

“ The continued services of the volunteer corps under present circumstances has already been recommended in my circular letter of the 10th ult., to the lords-lieutenant of counties; and his Majesty’s ultimate determination with respect to the immediate object of your lordship’s communication will be

signified as soon as I shall have received the King's commands for that purpose.

HOBART."

1804. 18th June.—The colours of the Marlborough volunteers were consecrated, as the term is, and presented to their captain Mr. Brown, after which, the officers and those of the Melksham corps (then on permanent duty here) dined at the castle. In July, the Ramsbury volunteers were serving at Salisbury. The Wilbury corps were commanded by Sir Charles Warre Malet.

1804, 20th Nov. The birth of Lord Bruce's son and heir was celebrated by the parading of the corps of local volunteers, who fired several volleys in honour of the event, and drank to their patron's prosperity. The corporation also copiously supplied the populace with malt liquor, and the day was closed by a dinner at the castle and by a discharge of fireworks. The birth was that of George William Frederick, afterwards Earl Bruce.

In the course of the war the Wilts militia gave more than 1800 men to the line and provisional battalions, and always bore a high character among the officers of the army, as furnishing a supply of men on whom they could depend for activity and soldierlike conduct. The regiment also saw a good deal of service both in England, Scotland, and Ireland. It was in Ireland, during the rebellion of 1798. In 1812 (when consisting of 917 rank and file) it marched from Gosport to Manchester during the Luddite riots, and remained encamped there till the ensuing autumn. During the next year we hear of it at Glasgow, when one of the officers, mentioned as Lieutenant W., undertook for a heavy wager to walk eighty miles within the twenty-four hours, which he easily accomplished, having two hours to spare. In January, 1815, while lying at Londonderry, they received orders to march in three divisions on Dublin. A few days later, the Wilts and second Somerset received orders to repair

to their respective counties to be disbanded; but, in October following, the disturbed state of Ireland drew them towards Tipperary, where the Insurrection Act had already been read. They arrived at Marlborough from Ireland in February, 1816, having only 300 rank and file, and were disembodied on the 14th of that month. The staff was reduced in June, 1819, and the only officer remaining on it was the adjutant,—the paymaster, surgeon, and quartermaster being placed on the reduced list. The two latter are now (1853) deceased, and the paymaster was in 1852 placed on the retired list, after holding a commission in the regiment forty-two years. The oldest officer now living who accompanied the regiment to Ireland in 1798, is W. F. Hillier, Esq. Major Chafin Grove, another veteran, was at Dublin Castle with the regiment during the Waterloo campaign, but his previous services in the Peninsula are testified by his numerous badges. In the new corps embodied in 1853, he is the senior major, a position entailing the responsibility of chief command in the absence of the lieutenant-colonel. In 1820, 1821, 1825, and 1831, the militia was embodied for a short training at Marlborough, where the permanent staff remained, as also the stores; but the institution became less and less popular, till the recent Act of Parliament summoned into new existence a regiment consisting of 1166 rank and file.

In June, 1810, the yeomanry, with Lord Bruce at their head, were summoned to Devizes to aid in the quelling of a serious mutiny which broke out there among the second Wilts local militia, occasioned, as was asserted, by unnecessary discipline and severity on the part of Mr. Awdry, the second in command. A serjeant, named Webb, having in consequence been committed to the guard-room at the barracks in Back Street, a party of the regiment, after evening parade, with fixed bayonets, forced the guard-room and released the prisoner. Order being in some measure restored, no time was lost on the following day in disarming the corps and

marching them out upon the Green, when several ringleaders were challenged, and one in particular, named Marmion, whom Mr. Awdry charged with having struck him, during the riot, with his piece, was selected for corporal punishment. Marmion, who had been a master-brushmaker at Salisbury, and was a man of some education, was a merry-faced, jovial, little fellow, and a general favourite with his comrades. He begged hard for mercy, but it was determined to make an example of him, and the halberts were fixed. Mr. Awdry had been considerably irritated by the regiment, when in the field, refusing to obey orders, evidently by preconcerted arrangement. When told to shoulder arms, all remained still, excepting one individual, whose gun, rising instinctively at the word of command, was dropped again with amusing rapidity. Mr. Estcourt was colonel of this regiment, but his rule was less severe. He was, moreover, absent during the above affair; but on his riding into the Green the men received him with a general shout.

The Marquis (then Lord Bruce) having continued in the command of the yeomanry cavalry till 1811, announced his resignation in a courteous farewell letter to that regiment, dated 4th August. This was on the occasion of his lordship's appointment as colonel-commandant of the militia, in the room of the Earl of Carnarvon, deceased. His resignation was a matter of unequivocal regret to every officer and man in the yeomanry corps, towards whom he had ever conducted himself with characteristic urbanity. In the militia the same feeling prevailed, and though disembodied at the peace as a standing force, the old officers had frequent occasions of reviving the hospitalities of Tottenham Park. In 1827, Lord Ailesbury was succeeded by the late Earl of Suffolk. The present colonel is Lord Broughton, better known as Sir John Cam Hobhouse, and Lord Methuen is second in command. The new regiment has hitherto met at Devizes.

1813, 26th April. The corps of Marlborough volunteer

infantry, having served for a period of about ten years, was this day disembodied. Their commanding officer, Captain Brown, having addressed them in an animated speech, they deposited their colours in St. Peter's Church, and then repaired to the town-hall, to conclude the affair with a public dinner, in the course of which they presented the captain with a piece of plate, bearing an inscription illustrative of their high sense of his courteous and unremitting attention to the duties of his post during the whole period of their existence as a military body.

1813, 26th Aug. The recent victories obtained in the Peninsula by the allied armies under the command of the (then) Marquis of Wellington were celebrated at the town-hall by a ball and supper, which was numerously attended by all the principal families in the town and neighbourhood.

4th August, 1815. The Marlborough troop of the W. Y. C. had a field-day; and after dinner, at the castle, voted £50 to the Waterloo fund, to which several other inhabitants of the town and neighbourhood had also subscribed. The Waterloo fund was raised for the benefit of the widows and children of those who had fallen in the battle. The appeal was enthusiastically met throughout the kingdom.

1804. *The London Gazette* of October contains a proclamation signed by Lord Hawkesbury, offering a pardon to all persons implicated, except the actual writer, of a scurrilous letter to Lord Ailesbury, who had refused to allow a Methodist chapel to be built at Great Bedwyn. Lord Ailesbury offered £100 reward, to be paid, on conviction, by Mr. Ward of Marlborough.

MARLBOROUGH COUNTY GAOL.

1807. At the July assizes, the grand jury, in a general report as to the condition of the county gaols, made the following presentation relative to Marlborough:—"We present that the House of Correction at Marlborough is insufficient,

insecure, and incomplete, there being no work or hard labour done in such house of correction ; nor any separate and proper apartments therein for employing the persons therein committed and sentenced to hard labour. We further present that the site of the said house of correction is narrow and confined, and incapable of being altered or enlarged so as to answer the purpose of a house of correction ; and that the buildings belonging to the poor-house at Marlborough are close adjoining to the same, thereby facilitating the escape of prisoners. We further present, that from the foregoing and other causes, the said house of correction is situated in an improper place, and that the same ought to be removed to some other part of the county, and that it would be of essential service to the county if one good and substantial house of correction, with proper, separate, and distinct places of confinement, and other convenient places for work, were erected in the neighbourhood of Devizes, being a central part of the county of Wilts, in lieu and instead of the two present houses of correction at Marlborough and Devizes." This was the origin of the large county gaol erected soon after at Devizes. The philanthropist Howard, speaking of the state of the Marlborough gaol, in 1774, has the following :—" All the rooms are on the ground floor. There is a sewer within doors, most offensive, and close to the night-room in which I saw a man dying of gaol-fever on the floor." (See further on this subject under date 21st Oct., 1852.)

The following extracts are from the court papers of the Court of Quarter Sessions, leet and law day for the borough, extending from 1778 to 1826.

"To the churchwardens and overseers of the poor of St. Peter's and St. Paul. By virtue of an order of his Majesty's justices for this borough, Pay me, out of the sum collected by you, £5, being the proportion of your parish towards the borough rate for repairing bridges and gaols, salary of keeper,

charges of vagabonds, and soldiers. 14 July, 1775, JAMES WENTWORTH, high constable."

Quarter Sessions, Oct. 1778. "William Fuidge, gent., senior justice, took the oaths of allegiance and supremacy, and abjuration, and signed the declaration against transubstantiation, having produced proper certificates of receiving the sacrament on Sunday last. Thomas Warner, gent., the other justice, did not qualify by reason of his not being able to receive the sacrament."

Easter Sessions, 1786. "Mary Prince charged with stealing a linen apron from Elizabeth, the wife of William Mills, of Preshute, labourer, was brought before the justices, and prayed that she might receive such corporal punishment as they thought fit, and be discharged. And the prosecutrix being present and consenting, she was ordered to be publicly whipped in the market next Saturday, 29th April, and then discharged."

Easter Sessions, 1799. "Sarah Goddard, convicted of stealing a pair of stockings from Stephen Shipway, one month in the cells, and privately whipped."

Easter Sessions, 1807. "Dinah Page, obtaining goods under false pretences from D. Mauria, one month, and publicly whipped on a market day."

Michaelmas Sessions, 1813. "James Still, stealing a leathern bit, value 2d., whipped."

Enormities such as these were also practised at Devizes, though not, it is believed, till quite so recent a date.

Last amerciamment of an inhabitant :—

Easter Sessions, 1825. "Fletcher Mortimer, a resiant and inhabitant, amerced in the sum of 1s. for not appearing and answering to his name, having been duly summoned so to do, which amerciamment was affeered by Robert Headland and Richard Waldron now here sworn to the sum of 6d."

Epiphany Sessions, 1800. "In consequence of the scarcity now prevailing, it is ordered by the Court, that no finer bread

than the standard wheaten shall be made or sold within the borough, for three weeks."

1815. At the Spring Assizes, at Salisbury, was decided a curious case: *DOE*, on the several demises of Banning and others, *v.* *JOHN GRIFFIN*, which had already been tried three times, turning upon the legibility of two old tombstones in Avebury churchyard. The material question had been, whether John Griffin, who died in the year 1715, was an elder or younger brother of Joseph Griffin, who died in 1747. The common reputation of the family on the first two trials, had been held, by special juries of the county, sufficient to establish the claim of the present plaintiff, who derived his title as the heir and representative of John Griffin; and on those occasions, the opinion of the last proprietor of the estates in question, that the descendant of Joseph was his heir, did not avail against the common reputation. But on the third trial (at the Spring Assizes, 1814), the testimony of the aforesaid tombstones, purporting that Joseph died 1747, aged 59, and John, 1715, aged 24, overthrew the former decision, and gave the estates to the descendant of Joseph. The fourth action was now brought by the former defendant, Banning, to recover possession from Griffin, the previous plaintiff. Proof was given that John Griffin had held the office of churchwarden at Avebury in the years 1700 and 1701, though the tombstone made him out to be only ten years old at that time. Moreover, James Tilby, an energetic solicitor of Devizes, having gotten the tombstones into his possession, had caused plaster casts to be made from them, and convinced the Court by the testimony of three statuarys that the character of the letters was not of the date professed, but a recent and unscientific imitation. Mr. Tilby was also quite positive, that on a personal inspection of the stones in 1811 and 1812, no date of age had been traceable. The jury returned a verdict for the plaintiff Banning, who had specially retained the Solicitor-General, Sir Samuel Shepherd.

1809, 13th Oct. "At a meeting of the mayor, burgesses, and principal inhabitants, held at the town-hall, for considering a plan for celebrating the jubilee anniversary of his Majesty's accession to the throne: It was unanimously resolved that the mayor, burgesses, Marlborough troop of W. Y. C., loyal volunteers, friendly societies, and principal inhabitants should attend Divine service, and afterwards dine together at such places as should be agreed upon. That instead of illuminations, a subscription should be entered into, to enable his Majesty's faithful but indigent subjects to unite in the general festivity of the day. That on the following evening, viz. the 26th inst., there should be a ball at the Assembly-rooms.

"JOHN WENTWORTH, Mayor, *Chairman.*"

A committee was thereupon appointed for conducting the intended celebration, and a liberal subscription was immediately entered into by the gentlemen present at the meeting.

1813, 4th Sept. As C. Codrington, Esq., and James Wyatt, the architect, were on their journey to London in a chariot-and-four, about three miles below this town, they were met by a return chaise, and a man on horseback riding at the side. In passing, the horseman went between the carriages, which occasioned the horse to rear and fall; and by his struggles the chariot was overturned, and Mr. Wyatt's forehead coming in contact with a silver stud, by which the blind was secured, that gentleman was killed on the spot. The body was conveyed to the Castle Inn, where, on the Sunday following, Mr. Clare held an inquest. Lord Bruce and several other gentlemen, upon hearing of the accident, promptly waited upon Mr. Codrington, at the Marlborough Arms, to condole with him on the catastrophe, and congratulate him on his own escape.

1815, May. During the construction of the new road from Swindon to Hungerford, the workmen exhumed a group of sixty skeletons at Preston, between Albourn and Crowood

Park. These were no doubt some of the victims of the running fight, known as the battle of Albourn Chase, which took place at the spot in 1643, described at page 200. The bodies had been thrown in pell-mell, and were only two feet from the surface.

1815, 27th Sept. John Halcomb, banker, was sworn into the office of mayor for the year ensuing; on which occasion a superb silver tureen was presented to Thomas Merriman, Esq., the late mayor.

1817, 1st Nov. Wantage corn-market was opened. A hundred and thirty farmers dined at the Bear; T. Goodlake, Esq., of Croylboys, in the chair.

1818. The unprecedented contest for the county between Paul Methuen, the Hon. William Long Wellesley (now Lord Mornington), and John Benett, Esquire, which resulted in the return of the two former gentlemen, agitated the remotest corner of Wiltshire. On the 8th May, 250 of Mr. Wellesley's friends dined at the Castle (then kept by Mr. Cooper), Captains Goddard and Nicholas presiding; Mr. Wellesley entertained them in his popular style, and the company who deemed his purse bottomless, and were stimulated in their excesses by a chorus of glee-singers, carried the game far into the ensuing day, for "they did not separate till nine the next morning, nor then entirely." Mr. Benett's friends headed by Fulwar Craven, Esq., of Chilton House, dined soon after at the Duke's Arms, at which Mr. Methuen attended, and gave rise to the suspicion of a coalition; an imputation which he endeavoured to repel. If the reader feel any further interest in the details of that period he will find them at large set forth in *Kaleidoscopiana Wiltoniensia*—a work containing all the speeches, letters, and pasquinades issued thereanent. Mr. Wellesley, who had recently married Miss Katharine Long of Draycot, "the Wiltshire heiress" as she was termed in the London circles, and enjoyed moreover in his own right the favourable prestige which the popularity of his uncle the Duke of Wellington

could not fail to enlist, came forward as the deliverer of the county from the domination of a clique of magistrates, who it was affirmed had long controlled the elections. They were accustomed to meet and dine at Beckhampton Inn near this town, and hence acquired the designation of the Beckhampton Club. On the much disputed question of the corn laws, Mr. Wellesley stood on the same ground with Mr. Benett, the one having supported them in his place in the House, the other in evidence before committee; but the artillery of wit, arrayed in the paper warfare which ensued, was decidedly in favour of Mr. Wellesley, and Mr. Benett had to abide his time, which came very shortly. In the course of a year, Mr. Methuen unexpectedly resigned, and Mr. Astley of Everley, a former supporter of Mr. Benett, offered for the vacancy. Another ruinous contest ensued, which resulting in 2223 votes for Mr. Benett, and 2080 for his antagonist, gave that gentleman a seat for the county which he retained with credit for thirty-two years.

FROM THE DIARY OF THOMAS MOORE THE POET. 7th Sept. 1818. "Took a chaise from Marlborough to Burdett's—six miles. Burdett and Hobhouse out shooting. The Fitzgeralds gone that morning to Sir Charles Hastings: was very sorry I had missed seeing her [Lady Charlotte Fitzgerald, sister of Lord Moira.] The company at Burdett's were the two Hobhouses, Scrope Davies, a little doctor who attends Lady Burdett, and a Mr. Maxwell. Davies, in fishing that morning, had caught his eye with the hook, but no great harm done. Walked with him and Mr. Maxwell to Ramsbury, to have leeches applied to the eye. We laughed about Douglas Kinnaird's patriotic dinner at the Horns, at Kennington (5s. a head), in honour of the 'Father of reform' Major Cartwright. Davies proposed calling Cartwright the mother of reform instead. He is a most mischievous old woman. His taking the *brevia* Parliamentaria of Prynne for 'short parliaments' admirable.

Lord Lansdowne told me he was with Lord Holland when the letter containing this precious bit of erudition arrived. Sat down to dinner without Burdett and Hobhouse. Two Miss Burdetts at dinner—nice girls. Burdett's style of living not at all equal to his means, either in expense or elegance. With such a fortune, he ought to make his private life a sort of counteraction to the plebeian tendency of his politics; like Washington, who threw all the graces and courtesies of aristocratic ceremony round his republican court; and unlike his successor Jefferson, who seemed to delight in vulgarising democracy to its lowest pitch. Burdett, a most amiable man. Something particularly attaching in his manners, his gentleness, and almost bashfulness, forming such a contrast to the violence of his public career. He is, however, but a boy in wisdom; and though he speaks plausibly, he is neither very sensible nor deeply informed upon any subject. I speak but from superficial knowledge of him. Hobhouse and other men, who know him better, think much more highly of him. Music in the evening. Second Miss B. sang very prettily, and Davies delighted with the share he himself took in the 'Waters of Babylon,' a chaunt of Purcell's, which he had given Miss B."

8th. "Walked out, after breakfasting and writing to Bess (my daily task when away from her), with H. D. and Burdett, through Lord Ailesbury's forest. Magnificent! Could ramble through forest scenery for ever: there is less of the world there than anywhere else, except on the ocean, if one were alone on it. Talked much of Ireland, with which Burdett is delighted. He told me, if I would collect proofs against Lord Castlereagh's ministry in Ireland, and draw up resolutions, he would move them in the House and impeach him; but the thing is gone by. He is evidently prejudiced against Grattan." "Music in the evening. Burdett's third daughter, Johanna, an exceedingly pretty girl. Davies' 'Waters of Babylon' again set a-going." (Vol. ii, page 157.)

11th Dec. "Scrope Davies told me that Sir Francis Burdett often says the two days I passed at Ramsbury in going up to London were among the pleasantest of his life." (*Ibid.* p. 238.)

The following entries have reference to the period of the contest between John Benett and John Astley, for the county :—

26th July, 1819. "Mrs. Phipps and the Macdonalds in the evening. Played at bagatelle: Mrs. P. and Bessy and I, as Benettites against Macdonald; Mrs. D., Miss Maugham, and Miss Debrett, as Astleyites; and beat them."

2d August. "In the evening a *fête champêtre* at Salmon's, near Devizes: a beautiful place, and everything gay and *riant*—a boat on the little lake, musicians playing on the island in the middle of it; tents pitched for it. Bessy did not go, which I was very sorry for. Walked about with Mrs. P., and danced afterwards till three o'clock. It was said that the mob of Devizes had threatened to burn the wood, this being the high fever of the election; but all was quiet."

16th July. "Walked to Devizes to witness the nomination of a member for the county, in the place of Methuen, who has resigned. Dined at Salmon's with the Phippses, and walked home in the evening."

Moore's opinion of the Royal Wiltshire Yeomanry Cavalry. —"19th April, 1819. Went to Chippenham with Phipps and Locke to a dinner, which the former gave to his troop of yeomanry, all common farmers: the only gentlemen ourselves and Gossett. A strange day: such tipping, and such speechifying! I proposed Lord Lansdowne's health, in a speech which but about three persons out of the fifty understood a syllable of. But such men like to be talked to unintelligibly; they take it as a tribute to their understandings." (*Ibid.* p. 294.)

1819, Nov. The excitement into which the public mind was thrown by the reform orations of Messrs. Hunt and Thistlewood, and which was brought to a climax by the san-

guinary onslaught made by the Manchester magistrates on an unarmed populace (commonly known as the Peterloo massacre), was not unfelt in Wiltshire. A requisition of freeholders, backed by Lord Arundel, of Wardour Castle, invited the sheriff, John Long, Esq., to call a county meeting and arraign the conduct of the Manchester magistrates, and of the government which had protected them. But a counter requisition induced the sheriff to withhold his assent, on the pretext that the matters in question were already in train for legal investigation. The first requisition was headed by the names of Francis Burdett, Fulwar Craven, and John Cam Hobhouse; but the fact that the counter memorial, amongst its thousand signatures, contains also the names of some of the most respectable of the Wiltshire reformers, is sufficient evidence that no general confidence was entertained in such irregular attacks on the existing form of government. "A meeting of the mayor, burgesses, and inhabitants of Marlborough was held at the town-hall, at which a loyal address to the Prince Regent was framed, expressing sentiments of attachment to the constitution, and abhorrence at the means of redress lately resorted to by factious and designing men.

" J. BRUNSDEN, Mayor."

As the subject grew in interest, fresh names of distinction entered the lists, till in the following month we find the Duke of Somerset and Lord Andover arrayed against the sheriff.

1823, 16th May. The tenantry of the Marquis of Ailesbury gave a dinner at the Castle Inn to John Ward, Esq., and presented him with a silver epergne, value 100 guineas, as a testimony to his upright conduct while acting as steward for a period of forty years to the late earl and present marquis.

1826, 4th December. A petition was read in the House from Thomas Hudson, of Park Crescent, Regent's Park, in the county of Middlesex, Esq., and William Blackbourne, of

Upper Portland Place, in the said county, Esq., a lieutenant-colonel in the service of the Honourable East India Company on their Madras establishment, stating :—That at the recent election, 14th June, 1826, the petitioners were candidates together with the Right Honourable George William Frederick Bruce, commonly called Earl Bruce, and the Right Honourable James Thomas Brudenell :—That Mr. John Brown, claiming to be mayor, and acting as such, had received many illegal votes in behalf of the sitting members, and rejected many good votes for the petitioners :—And begging that the return might be reversed :—Ordered to be taken into consideration on the 15th of January :—On the 30th March, General Gascoigne reported from the select committee appointed to investigate the case, that Earl Bruce and Lord Brudenell were duly elected :—Also, that neither the petition nor the opposition to it were to be regarded as frivolous.

On this occasion the select body comprised, as they had long done, ten councilmen (three of whom were non-residents), by whom Lords Bruce and Brudenell were returned in opposition to Colonel Blackbourne and Mr. Hudson, who offered themselves on the interest of the "Inhabitant householders resiant." Upon the trial, the petitioners did not go into their case to prove that the persons who voted for them were burgesses entitled to the elective franchise. The committee came to the resolution that the word "burgesses" was not a word of doubtful import, whereupon Mr. Harrison, counsel for the petitioners, observed that of course the committee must have put some interpretation on the word ; but not knowing what that interpretation was, he proposed to give evidence in explanation of the resolution of the year 1717, and having shown what was the meaning of the word then, would ask the committee if he had rightly stated their now interpretation. But they at once determined that the term "burgesses only" adopted 1717, did not mean inhabitant householders resiant. And their only report to the house was, that

the sitting members were duly elected, and that neither the petition nor the opposition to it were frivolous.

As soon as this business was over, the select body, who had long consisted only of councilmen, probably deeming that one essential portion of their body was wanting, nominated two other persons, Mr. John Gardner and Mr. John Russell, to represent the class of "burgesses at large;" and in the following year two more were elected, Mr. Thomas Halcomb and Mr. T. B. Merriman; shortly after which, the two former were absorbed into the council, and two more "burgesses at large" created, Mr. Benjamin Merriman and Mr. Charles Gregory; and such was the condition of the burgess roll of Marlborough when parliamentary reform at last came as the herald of municipal regeneration. Here follows a list of the names as existing just after the above election:—

John Wentworth, mayor.

John Brown, banker.	Stephen Brown, brewer.
John Bransden, of Elcot.	John Gardner, surgeon.
John Halcomb, of Savernak Park, banker.	John Russell, ironmonger.
Thomas Merriman, attorney and banker.	Thomas Halcomb.
Nicholas Washbourn, of Idstone, Berks, surgeon.	Thomas Baverstock Merriman.
	Benjamin Merriman, cheesefactor.
	Charles Gregory, milliner.

MR. WOODMAN'S ATTEMPT TO OPEN THE BOROUGH.

On the 25th June, 1830, at one of the four courts of morrow speech, held in open hall, there being present of the select body Stephen Brown, mayor; Thomas Merriman, John Halcomb, John Bransden, John Gardner, and John Russell of the council; and Thomas Halcomb and Thomas Baverstock Merriman, burgesses; William Clark Merriman, deputy-town-clerk; Mr. Perry, chamberlain; William Brown and Thomas Rolf, bailiffs and sergeants-at-mace; William Bransden and — Shepherd, high constables; and the several constables of the wards:—The court having been opened by one of the

sergeants-at-mace, requiring the freemen and burgesses to appear and answer to their names upon pain and peril, Mr. Deputy-town-clerk, took the names of the eight present, and excused the three absentees, John Wentworth, John Brown, and Nicholas Washbourn, when the following unusual scene occurred :—

John Woodman, Esq., an attorney and a principal householder of the borough, advanced to the table and made application to the court to be sworn a burgess in the following words: "I claim to be sworn a burgess of this borough, that I may be put into full possession of all the rights and privileges of a burgess, and I tender the accustomed fine of ten shillings, my father not having been a burgess; and I tender to take the oaths that are incident to the admission of a burgess." Mr. Woodman then put on the table ten shillings, and fifteen other householders made similar tenders.

The mayor and Mr. Thomas Merriman then conferred together, and the latter wrote on a paper which the mayor read to his brethren present, viz.: "You have heard the grounds on which the gentlemen present have made the claim to be admitted burgesses, and I submit to you that the gentlemen cannot be admitted, it not being the usual mode." Their votes were then asked, and they were unanimously of opinion that the applicants ought not to be admitted; but upon the motion of Mr. Thomas Merriman, the tenders for admission were ordered to be entered in the court-book.

The attempt having been thus made by the above sixteen householders to be legally constituted burgesses, their next step was to bring forward their own candidates at the ensuing election.

On the 26th July, the mayor attended by three or four of his brethren, with mace-bearers, constables, &c., read at various parts of the town the King's proclamation for dissolving the parliament, and gave notice of the day appointed for

electing new members. Before the day arrived, he invited nearly the whole of the respectable householders to a dinner at the Castle, and cards were at the same time issued for a ball to be held that evening at the town-hall. The next day, Sir Alexander Malet, of Wilbury house, near Hungerford, and John Mirehouse, Esq., a barrister, entered the town as candidates, on the interest of the gentlemen who had tendered to be admitted burgesses. On the morning of the election, 30th July, Mr. Estcourt, jun. (now Mr. Sotheron, M. P. for North Wilts), and William John Bankes, Esq., arrived in the town at Mr. Merriman's house, and accompanied by that gentleman and Mr. Iveson, proceeded to call on the select body, and what was unprecedented before, also on a few of the other inhabitants; immediately after which the procession moved from the mayor's house to the hall, and took their seats on the bench, the favoured candidates being placed on either side of the mayor, and the popular candidates, with their supporters entering the hall at the same time. Mr. Mirehouse applied to the mayor to be placed on the bench with the other candidates, but this the mayor refused, and the business proceeded. Messrs. Estcourt and Bankes having been proposed and seconded, Mr. Smith rose for the purpose of nominating Sir Alexander Malet and Mr. Mirehouse, when the mayor prevented him by denying his right to do so, but declared that the two gentlemen were at liberty to propose themselves, which they thereupon did. It is hardly necessary to add, that a show of hands was refused by the mayor "as a thing unusual at Marlborough elections;" that the sixteen votes entered on the poll-book for the popular candidates were rejected by the same functionary; and that the successful members and their friends made a jovial termination of the affair at the Castle.

1830, November 3d. A petition was read in the House from Sir Alexander Malet, of Wilbury House, baronet, and John Mirehouse, of the Temple, in the city of London, Esq.:—Shewing, that at the recent election on the 30th July, 1830,

the petitioners were candidates, together with Thomas Henry Sutton Bucknall Estcourt, Esq., and William John Bankes, Esq. : that Stephen Brown, claiming to be mayor and acting as such, had accepted several illegal votes on behalf of the sitting members, and rejected good ones for the petitioners : and praying that the return might be amended in their favour. Ordered to be examined 25th November, and that the Speaker do issue warrants for papers and records, for the hearing thereof.

30th November, Sir Robert Peel, from the select committee, named to try the case, reported in favour of the sitting members, adding that neither the petition nor the opposition to it were to be considered frivolous. [Sir Alexander Malet, born 1800, succeeded as second baronet in 1815. In 1834, he married Mary Anne Dora, daughter of John Spalding, Esq. of the Holm, by Mary Anne his second wife, who, having survived him, married secondly Henry Lord Brougham and Vaux. One of Edward I's justices was named Robert Malet, of whom Mr. Foss observes, "Sir Thomas Malet, the eminent judge of the King's Bench, in the reign of Charles I and II, whose descendant is the present Sir Alexander Malet, of Wilbury House, was in all probability of the same family."]

THE REFORM BILL.

Lord Grey's administration, pledged to a fundamental reform of the representative system, was now in power, and early in the next year, 1831, they brought forward their famous bill ; but as it was soon perceived to be impracticable to carry the measure through the House as then constituted, King William was advised to dissolve the Parliament and call upon the people to make a fresh expression of their sentiments. The feelings of the nation, already greatly excited, now rose to fever heat. In those places where the electors were free, support of the ministry was almost the only passport to favour ; and even where the voices of the commonalty were powerless

to unseat, the force of public opinion in many cases extorted professions and promises of compliance which were as unsavoury to the parties making them as they were incredible to their hearers. In Devizes, which may perhaps be regarded as the focus of public opinion in the county during that period, much interest was felt in Sir Alexander Malet's proceedings, and he there had repeated opportunities of retaliating on his opponents by his able advocacy of the new régime.

The re-election of the previous members for Marlborough took place in April. Mr. Merriman proposed and Mr Brown seconded, but neither gentleman could obtain a hearing, though evidently disposed to make some expression of their sentiments. Mr. Estcourt's attempt to address the public was equally unsuccessful, till a townsman begged that he might be heard, as possibly he was about to make a recantation of his political principles, Mr. Estcourt boldly assured them that they were mistaken in him if they supposed him capable of supporting such a bill as Lord John Russell's. Mr. Bankes next arose, but shouts for "reform" instantly drowned his voice and compelled him to retire unheard. The unrepresented classes had at last broken loose from all restraint. Immediately after the election, effigies of the two successful candidates were carted through the town accompanied with tin kettles and horns, and burnt at the cross-roads. The bells of the churches were also rung backwards, but how it was that the corporation had no power to prevent this, the Gazette fails to inform us.

The reform bill having passed the House of Commons, encountered a most determined opposition from the Lords. To support the King in his battle for the people's rights, addresses were clamorously voted from every part of the realm, and in Devizes there took place on the 28th of Oct. a meeting of the nobility and gentry of Wiltshire, "composed" (so says the Devizes Gazette) "of a more respectable class of persons than any former Wilts county meeting within

recollection." It took place on a hustings in the market-place, and was presided over by Paul Methuen, Esq., the High Sheriff. Lord Lansdowne, as being one of his Majesty's ministers, could not of course attend, as the object of the meeting was to pray the King to continue his confidence in them. Certainly it was long since sentiments such as were then uttered had been openly held at Devizes: Not since the days when the reformers of the county headed by Charles James Fox held their occasional conclaves in that town, to denounce the American war, the extravagance of the civil list, or the expulsion of Lord Pembroke from the Lieutenancy. On the present occasion, the Earl of Suffolk deprecated the blind obstinacy of his order; Fulwar Craven was for ejecting the Bishops from the upper House; Sir Alexander Malet drew a parallel between borough-mongers and Romish priests; while the populace and processions from surrounding towns gave expression to similar sentiments by banners of appropriate device.

1831. By the Act of 2d Will. IV, c. 45, to amend the representation of the people of England and Wales, Marlborough retained its privilege of returning two members; ¹ the borough being enlarged by the addition of Preshute. The commissioners appointed to examine the state of towns, reported that the whole of the old borough, consisted of those houses only which stood on the north of the river, except one half of the Castle Inn and the garden; while the houses on the south of the river lay in the parish of Preshute. They, therefore, recommended that the boundary of the new borough should include the town of Marlborough and the entire parish of Preshute or Manton. That as the whole borough contained only 260 houses worth £10 per annum, thirty-nine would thus

¹ In the county of Wilts alone, no less than seven boroughs ceased to return members, viz., Great Bedwyn, Downton, Heytesbury, Hindon, Lud-

gershall, Old Sarum, and Wotton Bassett. Four were allowed to return only one member, viz., Calne, Malmesbury, Westbury, and Wilton.

be added, constituting, in all, 299 voters. The former population being 3426, was hereby raised to 4186. The commissioners add, that no instance of a contested election had occurred within the last thirty years; and that during that period the greatest number of electors polled had never exceeded ten.

From the return published in 1847, by order of the House of Commons, of electors during the previous year, the Marlborough voters appear to have fallen to 262, being at that time the smallest constituency in the kingdom returning two members, except Knaresborough, Thetford, and Andover. At the election in 1852, of Lord Ernest Bruce and Mr. H. B. Baring, the number of voters on the register was 271. While this is the number of £10 houses, the total of houses is 716. The present population (1853) of the parliamentary borough is about 5185.

From a report made to the Lords by the Commissioners of Municipal Corporations and printed in 1835, it will be unnecessary to extract largely, as it merely refers to historical details which have already been more fully discussed in the present work. The following concluding remarks, exhibit a state of feeling in the town, aggravated if not produced by the reform agitation, which, there is good reason to hope, is rapidly becoming obsolete. "We could not find that, as a municipal institution, the corporation had for more than two centuries been productive of any material benefit to the inhabitants of the town. The portion of their revenues that has been devoted to public use, is inconsiderable; and for the administration of justice, the body is of little service. The three borough magistrates of this small town belong exclusively to one of two conflicting political parties, animated against each other by feelings of bitter hostility. The decisions of magistrates so circumstanced, however proper and impartial, when given in favour of their own friends, are always considered unjust by their political adversaries, and in the apprehension that justice cannot be obtained for themselves, those adversaries are

naturally indisposed to appeal to such a tribunal; although upon a full inquiry, we find the decisions of the borough magistrates, in several instances of imputed misconduct, to have been correct. The conviction [belief] of their political opponents that judgment is pronounced according to political bias, produces many the worst effects of an actual denial of justice."

As the provisions of the Act passed in the 5th and 6th Will. IV, c. 76, for the regulation of municipal corporations in England and Wales, were equally designed for all boroughs, a recital of its numerous details can hardly be expected in this place. It revived in Marlborough the title of alderman (which had been formally abolished in 1649), constituting four of that office, and twelve councillors; and it repealed, as in other places, all acts, charters, and customs inconsistent with the new measure; thenceforth leaving it to the enfranchised burgesses to prove by their attention to the formulæ of enrolment, the real value they set upon a privilege to which they had so long aspired.

1835. The Wilts assizes were for the first time held at Devizes, in August, 1835, and were then taken the last on the western circuit. This transfer of one of the half-yearly sittings from Salisbury, originated in the necessity of giving the residents in North Wilts nearer access to the courts of justice, the position of Salisbury and Wilton (like that of Thetford, situated at the western extremity of Norfolk) for county business, occasioning great inconvenience, which had long been recognised and attempted to be remedied. During the Commonwealth the county court was, in fact, for a short period, removed to Devizes; and in the reign of William III an attempt was made to substitute Devizes for Wilton, as the polling place in the county elections. It was on the occasion of a bill passed in 1695, "to prevent irregular proceedings of sheriffs and other officers in electing and returning members to parliament." There was a clause proposed, "that, at the

request of any one candidate for such election, the sheriff of Wilts might adjourn the poll from Wilton to Devizes, and not elsewhere." Upon division, the clause passed in the negative.

1833, June 30. Among some early English coins found in a piece of pasture land, called the Old Litten, attached to the manor-house of Beaworth, in the county of Hants, were five specimens of coins minted by William the Conqueror, at Marlborough, inscribed FILD [OR GILD ?] MISLEB.

1836, 26th Dec. The Duke of Wellington, on his way to Badminton, to attend the marriage of one of his nieces, arrived at the Castle Hotel, Marlborough, where he was obliged to remain till the following day, the road at Kennet being impassable from the drifted snow. His Grace left the castle with six horses and an outrider, and the postboys, by great exertions and by crossing ploughed lands, succeeded at length in reaching the Chippenham road.

1836, 16th May. A party of gentlemen dined at the Royal Oak Inn, to celebrate the marriage of the Right Honourable Earl Bruce with Lady Mary Herbert, which ceremony had taken place on the previous Thursday, 11th May.

1838, 23d Feb. A flood swept through the town of Lambourn, inflicting extensive injuries on buildings and gardens. The shepherd at Watcombe farm, North Fawley, near Wantage, having left his flock in the evening safe in the strawyard, where they were lambing, half an hour afterwards the yard was deluged several feet deep, and out of 200 ewes 198 were drowned, besides twelve-score lambs. The stock in barn was also greatly damaged. The frozen state of the ground, preventing absorption, was one cause of the increase of the flood.

28th Oct. A hurricane passed over the western counties, overthrowing trees and unroofing houses. In Marlborough, among other casualties, the castle wall for more than 100 feet in extent was blown down, and a cart-house, in which a poor man, named William Ralps, had taken refuge for the

night, fell down and crushed him to death. The forest was strewn with stately trees lying prostrate, and preventing the passing of the mail and other coaches. A similar calamity occurred on 26th August, 1853, when a considerable part of the college wall was destroyed, and the trees in (what is termed) the wilderness were shattered to a ruinous extent. The wind was from the south-west.

1839, Oct. Lord Ernest Bruce and the Rev. E. H. G. Williams, in their capacity of magistrates of the county, together with several other persons as voters and residents in the northern division, moved the court of quarter sessions to petition the crown in favour of making Marlborough a polling-place for the said northern division.

1839, Nov. 8. In consequence of the rising of the chartists in Monmouthshire, fifty of the flying artillery passed through Marlborough, *en route* for the scene of conflict, the distance from Woolwich having occupied only three hours.

1840, May. Died at Chilton on his return from Hungerford, whither he had been to receive his pay, Robert Drewe, a soldier of the 20th foot, and an out-pensioner. He was remarkably handsome, six feet two inches high; and his regiment lying at St. Helena at the time of Napoleon's death, he was selected as one of their six tallest men to carry the emperor's corpse. He was a native of Albourn.

MARLBOROUGH COLLEGIATE SCHOOL.

1843, August. A public meeting, to be held in the town-hall, was convened by the mayor T. B. Merriman, Esq., for the purpose of considering the best way of expressing the good feeling of the town, on the occasion of opening the new school, an event which was advertised to take place on Friday the 25th instant. A considerable number of the inhabitants attended, when it was resolved, on the motion of Stephen Brown, Esq., seconded by John Gardener, Esq., that the mayor and burgesses should invite the council of the school

to dine with them at the Ailesbury Arms Hotel, on that important day.

This Institution for the education of the sons of clergymen and others, originated in a letter addressed to the Archbishop of Canterbury; the committee appointed to carry out the plan were materially assisted by the co-operation of the noblemen, clergy, and gentry, connected with the county of Wilts and the adjoining counties. The distinctive features of the plan were said to be, providing the best possible education and maintenance at cost price; constant superintendence; sound theological teaching, according to the doctrines and formularies of the established church; and admission to the privileges of the school by means of nomination only. The establishment was first planned for 200 pupils, to be afterwards increased to 500, when the additional buildings should furnish the required accommodation.

The school was opened on the 26th August, 1843, when, as became the importance of the occasion, the President the Bishop of the diocese, accompanied by the Marquis of Ailesbury, the mayor and corporation of Marlborough, the Rev. Sir Erasmus Williams, Bart., the rector of St. Peter's, several members of the school council, viz. the 2d Earl of Eldon, the Venerable Archdeacon Berens; the Rev. G. H. Bowers; the Rev. J. G. Brett; Robert Few, Esq.; Sir Stephen Glynn, Bart., M. P.; the Rev. R. Gorton; Christopher Hodgson, Esq.; the Rev. E. Harrison; F. A. M'Geachy, Esq., M. P.; Joseph Neeld, Esq., M. P.; the Rev. C. E. Plater; T. H. S. Sotheron, Esq., M. P.; the Rev. John Ward; the auditors John Shephard, Esq., and William Pott, Esq.; and the masters and scholars of the foundation,—went in procession to St. Peter's Church, where, after divine service, the Bishop of Salisbury delivered a sermon explanatory of the important objects such an institution was calculated to attain, if based on the foundation of the Christian faith.

During the day, several noblemen and gentlemen, besides

parents of the pupils, inspected the buildings and grounds; and the proceedings were closed by the dinner above mentioned, at which the mayor presided, supported on his right by the Bishop of Salisbury and Archdeacon Berens, and on his left by Lord Eldon and Sir Stephen Glynn. After the usual toasts his worship added others which the occasion seemed to challenge, such as "The Bishop and Clergy," "The President and Council," "Success to the new school," "The Marquis of Ailesbury," "Success to the old Royal Free Grammar School, with the health of the Rev. Thomas Meyler the master," which latter toast was received with manifest respect, and reference was made to the generous spirit with which Mr. Meyler had welcomed the new establishment. The Bishop delivered a short address and retired early, but the rest of the party remained till nearly eleven o'clock, during which time Lord Eldon, Mr. M'Geachy, the Rev. Mr. Bowers, and others connected with the new school, addressed the meeting, all expressing their gratification at the compliment which had been paid them, and their anxious desire to cultivate a good understanding with the inhabitants of the town, who it was hoped would co-operate with the masters in promoting the interests of the pupils. To this Mr. Jonah Reeve responded with his accustomed propriety. The Marquis of Ailesbury, with his usual munificence, presented a fat buck on the occasion. Between seventy and eighty persons were present, and separated highly pleased, extolling the arrangements, and the able and urbane conduct of the chairman.

The first head-master appointed to the New College was the Rev. Matthew Wilkinson, M.A., late fellow and classical lecturer of Clare Hall, Cambridge, and head-master of the Proprietary School, Kensington, in connection with King's College, London.

In the following year died David Marchmont, aged 68. He had been gardener on the castle-grounds for more than thirty years, and took greatly to heart the altered state of

affairs. The old man shed tears as he witnessed his trees and shrubs torn up to make way for a new disposition of the walks.

The career of another inmate in the defunct establishment will be seen in the following extract from a letter addressed to a clergyman near Salisbury, by Mr. Hearn, of Melbourne, in Australia, formerly editor of the *Salisbury Herald*.

"Amongst other Wiltshire recognitions, I find that the family who live next door to the house in which I lodge are from Marlborough, a Mr. Carter and family, whose father formerly kept the Castle Inn, the site of the present college, and who has a brother a surgeon at Pewsey. Mr. Carter has made a fortune here as a coach-builder, and proceeds to England in about a fortnight, on a three years' visit to the old country. As a successful man, his view of things will be, I suspect, somewhat more *couleur de rose* than my own; but he will, I am sure, agree with me that this place is not quite a terrestrial paradise."—26th November, 1852.

The consecration of the chapel did not take place till the 29th of September, 1848, when the proceedings commenced by the Bishop of Salisbury meeting the clergy in the library, where the procession to the chapel was formed in the following order:—

Sergeants of the Council.

The Council, two and two.

Lay Under-masters.

The Bishop's Registrar.

The Apparitor.

The Chancellor of the Diocese.

The Bishop's Verger.

The Master of the College.

The Bishop's Chaplain.

The Bishop.

Clergy of the Diocese, in surplices (about 30).

Clergy not of the Diocese, in their gowns (about 30).

At the western door, the petition for consecration was presented to the bishop, and assented to by his lordship, who

then entered the body of the chapel, followed by the clergy chanting the 24th Psalm. At the altar, the bishop, accompanied by his chaplain (the Rev. J. Ward, of Great Bedwyn), and the master (the Rev. M. Wilkinson) received from the hands of one of the members of the council the deed of conveyance and other documents authorizing the consecration of the chapel. Four of the assistant masters then presented a communion service, after which the customary formulæ were executed followed by the services of the day, and terminated by the bishop's sermon from the 7th and 8th verses of the 132d Psalm, and the administration of the communion.

This chapel, which was executed after the design of Edward Blore, architect, of Manchester Square, London, is 120 feet in length by 41 in width, and contains sittings for 500 pupils and 200 seats for masters, officers, and domestics. The exterior face is built of hammer-dressed blocks of the Bagshot sandstones, ~~commonly called sarsens~~, which are found scattered about the valleys of the Kennet; but the general effect of the masonry is somewhat damaged by the unnecessary smallness of the quoin-stones. These portions, together with the other dressings, are of the Bath oolite. There seems no reason why St. Nicholas, the patron saint of the old castle chapel, should have been unseated in favour of St. Michael.

*Sarsens
are not
sandstones*

RAILWAY SCHEMES.

1845. Of the numerous railway schemes which made the year 1845 almost a parallel to the period of the South Sea bubble, several were designed to embrace Marlborough. The first which courted the attention of the inhabitants was a line from Basingstoke to Swindon: this was brought forward in January. In August following, a meeting was called by George May, the mayor, to hear the proposals of the "Manchester and Southampton" Company. A third project was one which contemplated turning the Kennet and Avon canal into a railroad. In October, Mr. Jonah Reeve, in the absence

of the mayor, presided at a meeting called to discuss the merits of the "London, Bristol, and South Wales direct." There was also the "South and Midland Junction," intending to pass through Bicester, Swindon, Marlborough, Devizes, and Salisbury. Of these schemes, one and all were in turn abandoned, though a full year elapsed before hope was entirely extinguished. In September, 1846, Sir Erasmus Williams, who had energetically striven to benefit the town, so long as a chance appeared to exist, made a final attempt to interest the inhabitants in the Southampton and Manchester line, and proposed an address to Earl Bruce.

The truth is, that Marlborough is unfavourably situated for a through line; for even if the Great-Western Company had not adopted their present crooked route to take in the Oxford traffic, they would never have chosen Marlborough in preference to the vale of Pewsey.

1852. THE SECOND REFORM BILL, introduced by Lord John Russell, compared with the former bill, was constructed on a very different principle in one respect, viz., as to the distribution of the boroughs. By the first bill, many towns were disfranchised and merged in the counties, while at the same time certain boroughs, whose existence it was thought necessary to maintain, were expanded by a new artificial boundary enclosing part of the surrounding agricultural territory. Thus the influence of civic and rural ideas became more than ever mixed. By the second bill it was intended to retrovert this influence, and to weed the towns out of the county constituency; and for this purpose, the Wiltshire boroughs, after the example of several in Scotland, were proposed to be grouped in the following manner:—Devizes, in North Wilts was to be connected with Warminster and Heytesbury in South Wilts; Chippenham made a partnership with Corsham and Bradford; Calne took in Melksham, Malmesbury was united with Tetbury; Westbury included

Trowbridge, and Wilton was magnified by the annexation of Amesbury and Downton. Lastly, we come to Marlborough, which was to have Hungerford in Berks, and Swindon old town, making up a constituency of 7000 persons. Yet not the whole of Hungerford, for the tythings of Eddington, Hiddon, Newtown, Sandenfee, and Charnham Street were to be excluded. At Swindon, also, it is to be observed, the tything of Eastcott, which contains the new buildings of the Great-Western Company, was excluded. This tything commences at the end of one of the streets in Old Swindon, but as the road constitutes the boundary, the people on one side of the street would be voting for Marlborough, and on the other for Cricklade. Cricklade, ever since 22d George III, has been an electoral district, and includes Swindon, which by this new bill would have been lost to it. The position of that borough is so different from its neighbours that it requires explanation. The electors of Cricklade having been proved guilty of notorious bribery and corruption at the general election of 1780, a bill was passed by which the right of voting for Cricklade was extended to the forty shilling freeholders and others in the five surrounding hundreds of Highworth, Cricklade, Staple, Kingsbridge, and Malmesbury. These five hundreds still constitute the borough of Cricklade, Lord Grey's reform act not having interfered with the arrangement; and viewing it in connection with the theory of electoral districts, the *Times* remarks that "but small argument in favour of that system can be drawn from the state of its constituency."

In the general election of 1852, when Lord Ernest Bruce and Mr. Henry B. Baring were again returned, his Lordship alluded to this second reform bill in the following manner: "He was by no means opposed to the principle which involved a general extension of the franchise. In the borough of Marlborough, for instance, the constituency might be increased without any damage to its respectability, convinced as

he was that they would never make an improper use of the franchise. In respect of Lord John's measure, though he could have no possible objection to canvassing the inhabitants of such respectable towns as Hungerford and Swindon, yet if Marlborough were deemed too insignificant to return two members, he would prefer that one were cut off, rather than have recourse to the aid of a town in the county of Berks and of another on the borders of Gloucestershire." Mr. Baring spoke to the same effect. It is also worthy of remark, that both members declared their adhesion to free trade.

1853. A dinner took place at Devizes (19th April) for the purpose of presenting a piece of plate (valued £250) to George Brown, of Avebury, Esq., in his capacity of chairman of the defunct "North-Wilts Agricultural Protection Society." Nearly 140 of the gentry and yeomanry of the county sat down to table. In the course of the after-dinner speeches, the following letter was read by the Secretary to the Committee.

"Rothsay, Bute, 19 November, 1853.

"Sir,—About 60 years ago, Mr. Brown a farmer gave me a sixpence, and I think it was the first sixpence I had ever possessed. Mr. Brown was then in the prime of life, and I was a little Devizes boy. I have no doubt he has long since been gathered to his fathers, but from respect to the name, and from a grateful sense of Mr. George Brown's services to my dear native county, I have much pleasure in sending you my subscription of one pound towards the proposed testimonial.

I am, Sir, faithfully yours,

SAMUEL HOOD,

Dean of Argyll and the Isles.

"To H. Kent Norris, Esq."

MARLBOROUGH COUNTY GAOL.

It was agitated at one of the sessions of 1851, by Mr. Sotheron, that on the ground of discipline, as well as of economy to the county, the bridewell at Marlborough should be

discontinued, and the building be occupied by the county constabulary as a station-house, the right being reserved of using it for the reception of prisoners during the time when sessions are held in the town. This proposal would not perhaps have elicited all the opposition which it has encountered in Marlborough, but for the apprehension that the suppression of the gaol would eventually issue in the removal also of the county sessions. It is curious to contrast the anxiety now expressed on this point with the conduct of the town council in the year 1719 (see page 362), when the county magistracy were, in a manner, chased from the town, and their sitting here declared to be actionable. But times are changed. The commonwealth has absorbed the republicanism of the boroughs.

At the autumn sessions held at Marlborough, in the following year, the Rev. Sir Erasmus Williams moved that certain alterations in the gaol as directed at the Hilary sessions 1852, and reported by the county surveyor, be forthwith carried into effect. He observed that after the defeat of Mr. Sotheron's measure to suppress the gaol altogether, a wish had been expressed that the arrangement of the cells should be remodelled, with a view to the classification of the prisoners, according with the plan adopted at Devizes. The plans proposed were estimated by the county surveyor at £600. Mr. A. L. Goddard seconded the motion.

It was opposed by Colonel Olivier, who said that it was now fifteen years since he had supported Mr. Duke in a motion to discontinue the gaol; that he had done the same last year and could not perceive the necessity for such an outlay.

Mr. T. Smith had conversed with Captain Williams, the Government-Inspector, who spoke in strong terms of the impropriety of allowing a prison to exist in which so many persons were placed indiscriminately in one or two cells, and he even went so far as to doubt the legality of a conviction to a gaol where no labour was inflicted, if hard labour formed part of the sentence. Mr. Inspector added, that in his opinion

the requirements of the county were fully met by the prison at Devizes. (Mr. Smith, however, was in favour of its retention.)

Mr. Frank Locke stated that there were at this moment, and had been for several months past, one hundred vacant cells at Devizes.

Lord Ernest Bruce and others urged that it was useless to attempt the execution of plans before they were approved by Captain Williams, the Government Inspector. His Lordship referred to the case of the Westminster House of Correction, where the magistrates on their own responsibility made several alterations, and Captain Williams ordered them all to be taken down again.

When the motion was put from the chair the division was equal, upon which the chairman, Sir John Wither Awdry, settled the matter by saying that if he possessed a vote, it should be given against the ordering of so large a sum out of the county purse, by so narrow a majority as his casting vote would create.

At the Hilary sessions held at Devizes, in January following, the subject was again discussed and postponed till the next Marlborough sessions.

COUNTY COURTS.

The establishment of county courts is a prominent feature in the history of law reforms. This innovation was recommended by the common law commissioners, so far back as 1832; and session after session bills were brought forward, for thirteen years before the legislature was prevailed upon to consent to the experiment. But once constituted, their advance in public estimation became sufficiently rapid. The jurisdiction, originally limited to £20 was soon enlarged to £50, and proposals have come in thick and fast, with the view of rendering them available as courts of equity, courts of bankruptcy, courts for the administration of charities, courts of conscience, and universal

referees. Yet, notwithstanding all their supposed advantages, there are not wanting alarmists, who fancy they view in them the introduction of a centralising element fatal to the liberty of the subject. Sir James Stephen, in his lectures before the University of Cambridge, having explained how the *Sièges Présidiaux* gradually superseded the royal courts in the provinces of France, goes on to observe, "By a single stroke of his pen, Henry II created sixty such tribunals; and as each of them was composed of nine judicial officers at the least, and usually of a still greater number, this measure enabled him to bring to market 600 judgeships at the same moment. It is difficult to suppose a financial resource more obnoxious to weighty and unanswerable objections. Yet in reality it had an effect, resembling as closely as possible that of the law so recently enacted by our own parliament, for the establishing county courts in all the considerable towns of England—a law of which I may in passing observe, that it is manifestly destined to be the germ of the greatest social revolution ever advisedly produced amongst us, by any deliberate act of our legislature." (*Hist. of France*, ii, 56.)

1852. A case of some interest was decided in the county court, Dec. 14th. Thomas Head, of Marlborough, having stricken down and grievously maimed his next door neighbour Stephen Wildes, a watchmaker, during a dispute as to the ownership of a tree growing in the fence which divided their properties, had been indicted at the assizes, and committed to Devizes Gaol. He was still lying there, when, in the county court aforesaid, the plaintiff instituted another action against him, to recover damages for the total loss of his trade, consequent on his shattered health. Mr. Arney, who spoke for more than an hour in the defendant's behalf, contended that supplementary actions of this kind had always been ignored by the judges, the plaintiff being usually considered to have elected his mode of proceeding when he preferred an indictment, instead of resorting to his civil remedy; and cited a

case, where a judge refused to pass sentence on a defendant while an action was pending for a civil remedy. His Honour, however, overruled this objection, and the jury returned a verdict for plaintiff, with £20 damages, allowing counsel, and attorney, and six witnesses.

KING EDWARD'S SCHOOL.

EDWARD VI, by letters patent bearing date 18th of October, 1550, in consideration of the sum of £61 6s. 8d., granted to the mayor and burgesses of Marlborough, to them, their heirs, executors, and administrators, all those messuages, lands, tenements, &c., in Marlborough, formerly appointed for the maintenance of a priest, officiating in the service called "Jesus service" in the parish churches of St. Peter and St. Mary; and also, all the hospital of St. John in Marlborough, and all and singular the messuages, lands, tenements, and cottages whatsoever, with their appurtenances in Marlborough, Manton, Mildenhall, Kennet, Okebourn, Elcott, or elsewhere, to the said hospital belonging, and which came to the Crown by virtue of the Act for dissolving hospitals, guilds, and fraternities. To hold the same of the Crown, as of the manor of Woodstock, by fealty only, in free socage and not *in capite*. And gave to the said mayor and burgesses power to erect one grammar school in the city of Marlborough, and to make proper and wholesome ordinances and statutes in writing concerning the government, direction, and order of the schoolmaster, and also of the scholars of the school, and other things touching or concerning the school. Which ordinances and statutes so to be made were inviolably to be observed from time to time. And it was by the said letters patent provided that the Duke of Somerset (uncle to the King) and his heirs for ever should have the nomination of the schoolmaster, so often as that office should be void.

For a long time the school has had no landed possessions either in Okebourn, Mildenhall, or Elcott. It appears by the

corporation books, that in 1650 the mayor and chamberlain sold a yardland, and also common for a hundred sheep in Okebourn St. Andrews, for £190. It is conjectured that these were the lands. If so, it is possible that they with others in Mildenhall and Elcott were sold to increase the charity lands in Manton, which are stated to have been in 1711 much greater than at the time of their foundation.

1572. Paid Mr. Gyll, schoolmaster, a year's wages £13 6s. 8d.

1574. Mr. Cogynes succeeds.

1576. The school-house has to be propped up, and in the succeeding year £112 is paid for erecting a new house. Mr. Doctor Spencer gives 20s. towards it.

1582. 6s. 8d. given to Mrs. Cogynes, at her departure from the town.

1584. Paid for a clock at the school, 12d.

1588. Mr. Evans, schoolmaster: after him, Mr. Wydley, in 1595; Mr. Hemerford, in 1599; Mr. Arthur Herne, in 1602; and Mr. John Smith, in 1612.

1633. 28th Sep. "It is ordered by the mayor and burgesses, viz. by the common council, that Mr. Smith, master of the grammar school, for divers misdemeanors, for which he has this day been convicted before the common council, shall be schoolmaster no longer than until the Feast of the Annunciation of the Virgin Mary next ensuing.

Forasmuch as upon counsel had concerning this order, it is questionable whether by virtue of this order the schoolmaster be legally removed:—It is, therefore, by the mutual assent of the right honourable William, Earl of Hertford, lord of the borough, and of the mayor and burgesses of the said borough, agreed;—That this order shall be in no way prejudicial either to the said earl or his heirs, or unto the said mayor and burgesses.

[Signed]

WILLIAM HERTFORD."

Mr. Smith, after his removal, was paid £30. He died in the following year, and was buried at St. Mary's. Mr. Martyn succeeded, and in 1638, Mr. Prior.

1638. Various bills of Hilary and Easter terms, about the school business, £37 6s. 8d., and other sums to the Queen's attorney, and for the entertainment of commissioners about the school business. The master's salary at this time was £30. Mr. Jacob North occurs in 1648 (he married Margaret Crapon). Then Mr. Welsh, who held the post in conjunction with a Mr. Symond. His successor Mr. Abraham Power, in 1668; received at first only £20 salary.

1660. 12 lb. of figs given to the free-school boys, 3s. 6d.; paid for setting up a new rank of scrobes [deaks] at the school 21s. Paid Holbrooke, for iron work at the school door, 4s. 8d. (This was the famous royalist blacksmith, William Houlbrook, whose adventures are narrated at page 282).

1670. Paid for a dictionary for the school-house, 18s.

1674. The Rev. John Butler appointed, with £30 salary.

1678. 2d January. It is ordered and enacted by the mayor and burgesses, viz. by the common council, that John Butler, clerk, now schoolmaster of the grammar school, for divers misdemeanors laid to his charge and proved against him upon oath, before the mayor and common council, shall no longer continue master of the said school, than until the Feast of the Annunciation of the Virgin next ensuing.

Three months later occurs the following entry:—"Forasmuch as it now appears unto this court, viz., the mayor and common council of this borough, that the above-named John Butler, the schoolmaster, of this town, hath given out in speeches that he will try the title of the said mayor and burgesses to the said school; It is now therefore adjudged, ordered, consented, and agreed that the said John Butler, for the reasons abovesaid, be forthwith removed from the said school, and shall not be any longer schoolmaster there, but shall be removed from the said school and house with the

appurtenances with all the goods that may be, at the cost of the chamberlain of the borough." Notwithstanding this feud between Mr. Butler and the corporation, or perhaps with a view to pour oil on the troubled waters, there appear almost immediately after, articles of agreement, dated 10th April, 30th Charles II, between the chamberlains and John Butler, clerk, for taking down and rebuilding the almshouse, at the cost of £400 and upwards. This almshouse was subsequently sold to the churchwardens, who used it as a poor-house.

1678. During this year, the mayor and common council of the borough issued a set of rules and ordinances for the better government of the school. By virtue of this order, the schoolmaster must belong to the Church of England, be able to teach Greek and Latin, and abstain from any other office that shall impede the discharge of his duty. He is required to teach gratis the children of parents who have resided seven years within the town, or have been admitted burgesses of the borough. He is at liberty to receive others, provided those of the town be not neglected. If a scholar prove dull after one year's trial, the parents to be advertised thereof and advised to bring him up to some other course. The mayor, with such other examiners as he shall choose, to visit twice a year. When a new mayor is sworn into office, one of the scholars to deliver him an address in Greek or Latin. The prayers of the Church of England to be used daily in the school, and the scholars taught the Church Catechism. It is recommended that the Latin tongue be spoken generally, by such as are able. Besides the above, there are other regulations as to hours, &c. Such of these rules as are applicable to modern times are still observed; though, in fact, out of twenty-five, no less than eighteen are nearly or quite obsolete. [The Municipal Act 5 and 6 Will. IV took the right of visiting from the mayor and corporation, and vested the management in the local charity trustees.]

1678. Mr. Butler being displaced, was succeeded by Mr. Ker (or Carr), who remained till 1702, when for one year the name of John Watton, gent., occurs, and after him, John Hildrop, gent., who was presented to the office 14th Sept., 1708, by Thomas, Earl of Ailesbury, on the death of Mr. Watton.

1711. Mr. Hildrop made complaint that part of the charity lands had been sold by the corporation, and leases granted for inadequate fines. Moreover, his own salary was not regularly paid. A commission thereupon was issued, under the statute of Elizabeth, and an inquisition made, in which it was stated that the lands had originally belonged to the suppressed Hospital of St. John, and were called the Hospital lands, and annexed was a schedule of all the lands then in possession, being the same as are now held, with the exception of a house and land sold in 1799 to redeem the land-tax, and excepting also, that on the enclosure of the common lands of Manton, in 1792, the charity lands were altered and the quantity increased.

The commissioner made a decree, 17th Oct., 1711, declaring that not only the lands in the schedule, but the alienated lands ought to have been applied in accordance with the original grant. The mayor and burgesses were also ordered to discharge the arrears of the schoolmaster, and in future to pay him £60 per annum; and to discharge all outstanding rates and taxes, and to let no leases on longer terms than twenty-one years in possession or reversion, the reserved rent to be the improved value of the estate.

The mayor and burgesses made many exceptions to this decree, asserting that divers of the lands declared by the commissioner as belonging to the school had been purchased by themselves. The exceptions were heard before the Lord Chancellor, who made a decree, 20th Feb., 1714, whereby it was declared that certain premises, called Chantry lands, were the only ones purchased by the corporation (these premises

were not included in the commissioner's inquisition and decree), and order was given to the corporation to show a clear account, and to take care that all future leases should be with the consent of the master, who was to be a party thereto, at the utmost improved rent, without taking a fine; and the master was at the same time directed to make his own report. The inquiries before the master were never prosecuted. The corporation entered into a written agreement with Mr. Hildrop, 23d April, 1714, to pay him £180 for arrearages, to allow him £30 a year in future, and to put the school-house and premises in repair.

1733. Mr. Hildrop resigned. It is believed he was first preferred to the rectory of Maulden, but never went to reside there, the living of Wath, near Ripon, becoming vacant in March, 1734, and he received that preferment instead, on the presentation of Charles Lord Bruce. Mr. Hildrop was the author of several works, evidencing great erudition and talent. Their titles are as follows:—‘An Essay for the better Regulation and Improvement of Free-Thinking;’ ‘An Essay on Honour;’ ‘A Commentary on the Second Psalm;’ ‘Free Thoughts upon the Brute Creation, or an Examination of Father Bougeaut's Philosophical Amusements, in Two Letters to a Lady;’ ‘A Modest Apology for the antient honourable Family of the Wrongheads;’ ‘Letter to an M.P., proposing a Bill to revise, amend, or repeal certain obsolete Statutes commonly called the Ten Commandments;’ ‘The Contempt of the Clergy considered;’ ‘Memoirs of the Life of Simon Shallow, Esq.’ Mr.^r Hildrop died at Wath, 18th January, 1756, aged seventy-three. The chancel of that church also contains a memorial to his daughter Katharine, who married Francis Bacon, of the city of York, apothecary, and died 1754, aged thirty-three.

Mr. Hildrop was succeeded at Marlborough by the Rev. William Stone, who resigned in 1750, when the Rev. Thomas Meyler was appointed by Thomas Lord Bruce. He was rector

* He is styled D.D. on his monument. He was B.D. D. 1743.

of St. Peter's, and vicar of Preahute, and died 1786, aged seventy.

1784. The corporation continued their old practice of letting leases on payment of a fine till 1784, when the Rev. Joseph Edwards, then schoolmaster, complained. To avoid litigation, they compromised with him not to take fines, nor to grant longer leases than twenty-one years without his consent, and they raised his salary to £50, adding part of the rent of the Manton estates leased to Mr. Hitchcock, the corporation paying the land-tax and keeping the premises in repair, and they added a schedule agreeing with that of the commissioner. The salary and expenses now exceeded the income; and, in 1790, the school-house, which was a timber and plaster building, with large roofs and gables, and had become quite ruinous, was taken down, and the present brick building erected in its place, at a cost of £1416.

1792. By an award of commissioner, the common lands of Manton were enclosed, and certain parts of the charity lands exchanged, and additions made. In 1799 the corporation sold a house and garden in Silverless Street and the Cross Close belonging to the charity, to Lord Ailesbury for £200 10s., to redeem the land-tax on certain other portions. A surplus of £36 remaining, was invested in stock in the name of John Ward, town-clerk. The expenses were paid by Lord Ailesbury. Several worthless buildings near the new house were taken down; the school-house and premises being now kept in repair by the schoolmaster himself, who was allowed to receive all the surplus rents, after paying rates, taxes, and repairs. The account for 1832 showed: rents and dividends, £203 4s. 10d.; rates, £29 10s. 10d.; repairs and insurance, £34 10s. 7d.; and rent of meadow-land paid to corporation (let with a small piece of charity land), £2 10s.

1809, 19th June. The Rev. James Townsend Lawes, B.A., was appointed by Thomas Earl of Ailesbury. He was successively rector of Abinger, in Surrey; vicar of Halberton, in

Devon; and was also incumbent of the royal donative of Easton, in the Pewsey Vale. He died 1828, aged forty-nine. He was succeeded by the Rev. Thomas Meyler, grandson of the above Thomas Meyler. He was vicar of Baydon, and died 1852, aged fifty-three. To commemorate his services, several of his pupils and others in the town have placed a stained window in St. Mary's Church.

1815. An indictment was tried at Nisi Prius by special jury, preferred against the Rev. James Townsend Lawes, master of the grammar-school, for an assault on a pupil named Courtenay Boyle Price. He had simply struck the lad on the head with his knuckles, but the blow was followed by a tumour and by epileptic fits. Judgment was given in the Court of King's Bench in October following, when Mr. Lawes was ordered to pay 6*s.* 8*d.* fine, and to be discharged.

1843. COURT OF CHANCERY, Wednesday, March 1st—THE MARLBOROUGH SCHOOL.—Mr. Stuart and Mr. Collins stated this to be a petition for a reference to the master, for the purpose of having the ordinances of this institution remodelled, so as to suit the present times. They stated the origin of the endowment by letters patent in the year 1550, 4 Edward VI, the Crown being appointed visitor. There were five free scholars and twenty-three boarders, and the ordinances directed instruction in Greek and Latin, and allowed a portion of the day to be employed in learning history, geography, writing, and other matters under an usher, to be paid by the parents of the boys. The present master of the schools taught several additional branches of education besides Latin and Greek, for which he charged annually five guineas, which was cheerfully paid. But the petition prayed that the Court would make a declaration that the present alteration should be continued, and not left to the caprice of the master. Sir C. Wetherell appeared for the schoolmaster and the Marquis of Ailesbury,

who, as representative of the Lord Protector Somerset, appointed him. He had looked in vain through the petition for any substantive ground of complaint, except the trumpery one of not permitting the free boys to mingle with the boarders in the play-ground. Mr. Romilly, for the trustees, characterized the petition as wholly unnecessary, and he therefore prayed that the petition might be dismissed with costs, to be paid by the relators. The arguments were not concluded when the Court rose.

Thursday, March 2d.—Mr. Stuart having replied for the petitioners in this case, the Lord Chancellor suggested that the bishop of the diocese, the Marquis of Ailesbury, the mayor for the time being, if a member of the Church of England, and if otherwise, the senior alderman who was, should be appointed governors or *quasi* visitors. If an order were made to change the system of education formally, and make it a commercial instead of a grammar school, it would not only be contrary to the intention of the founders, but would deprive the school of the advantage of the exhibitions to Brasennose College. It was far better, as now done, that the additional branches of instruction should be furnished for a small annual payment by the parents of the scholars. With respect to the costs, they must be allowed to the petitioners as far as related to the question of a visitor; and, as to the remainder of the petition, time would be taken to consider.

In November following the Lord Chancellor gave judgment in this case.—The charity which was the subject of this petition was founded by letters patent of Edward VI, which granted certain lands for the purpose of establishing exclusively a grammar school at Marlborough. The object of the petitioners was to establish a more extended system of education there, and that, in addition to the learned languages, that course of education might be adopted which was more consonant with the present day. Now, if the funds of the

charity were sufficient to support a grammar school, and also to carry out the object of the petitioners, his Lordship would be disposed, perhaps, to direct a reference to the Master on the subject. But the income of the charity, including the value of the house, was only about £200 per annum, and that was not more than sufficient for the support of the school in its present form. Under such circumstances, to change the system of education, or withdraw any of the funds, would be contravening the intentions of the testator. Added to this, since the school had been founded, several exhibitions had been established, the benefit of which, his Lordship thought, would be lost if the prayer of the petition were acceded to. No complaint had been made against the master; it was acknowledged that he was a man of ability, and he had adopted a system in the school whereby the parents of children, for the small sum of £5 per annum, might have them taught English literature. On the whole his Lordship was of opinion, that the Court could not grant the prayer of the petition, and as it appeared to his Lordship that the question as to the appointment of the trustees had been thrown into the petition for the purpose of obtaining the costs, he felt bound to dismiss the petition with costs.

The following distinguished scholars are (with two exceptions) mentioned in Carlisle's *Endowed Grammar Schools*, as having passed through that at Marlborough: Thomas Earl of Ailesbury, Mr. Glanville, Sir James Long, Henry Sacheverell, Sir Michael Foster, Lieutenant-General Picton, Walter Harte, and Dr. Mapleton, late chancellor of the diocese of Hereford. The Mr. Glanville here mentioned was probably the grandson of Sir John Glanville of Broad Hinton, whose name occurs in a former page. Mr. Glanville passed to Trinity College, Cambridge, and was afterwards admitted a barrister in Lincoln's Inn. He translated Fontenelle's 'Plurality of Worlds,' and published other works, preserved in Nicholl's 'Collectanea,' and died in 1735.

Somerset Exhibitions. The boys educated here are entitled to receive the benefit of the Somerset scholarships at Brasenose College, Oxford, and of St. John's, at Cambridge, given by the Duchess Dowager of Somerset, towards the close of the seventeenth century. The first are endowed with the rents and profits of the manor of Thornhill, those of St. John's with the manor of Wotten Rivers. Of the eighteen at Brasenose, the six first are worth £52 a year; the remaining twelve £36 8s. The St. John's are six in number, worth £25 a year each. The choice made by the respective colleges lies between the free-schools of Marlborough, Manchester, and Hereford. At the time of the commissioner's visit, three of the master's boys held scholarships.

Browne's Exhibition. Jane Brown, circa 1706, charged her estate at Atworth with £5, for the benefit of any scholar passing from this school to any university. The sum is still paid to the master, who transmits it to one of his said Somerset scholars.

Lawes' Gift. Sarah Lawes gave £107 7s. 8d. in the 3 per cents., in trust to W. G. Bolton, M. H. Goodman, and Tho. B. Merriman, to be devoted to the benefit of the school after her death, in pursuance of a verbal expression of a benevolent intention of her husband, James Townsend Lawes. She was living at the time of the inquiry.

The head-mastership becoming vacant by the death of Mr. Meyler in 1852, communications were addressed to Lord Ailesbury by several of the inhabitants, setting forth the insufficiency of the system hitherto pursued, when viewed in reference to modern science. His lordship entrusted the business to Earl Bruce, who having installed as temporary master, F. H. Bond, Esq., M.A., proceeded to draw up a set of propositions, suggestive of a more efficient working of the scholarship, a species of property which had for a long period been almost lost to the town. It was proposed, that while King Edward's school should be still maintained for boys requiring

only a rudimentary education in classics, French, mathematics, and physical science, all burgesses' sons, between the ages of 10 and 14, should enter the new college free, on passing an examination in Latin and arithmetic. In return for this, all the King Edward's school exhibitions to be thrown open for universal competition; in cases of equal merit, the town's boys to have a preference in all the King Edward's school exhibitions, and the boys not on the foundation to have a preference in all the college exhibitions. Moreover, if a foundation boy should be within ten of the top of the classical school (*i. e.* the college), he should be entitled, as of right, to the best vacant Somerset exhibition. Foreign dwellers, coming to reside in the town, to have the same privilege of sending their sons to both the college and King Edward's school, in the same manner as the burgesses and other inhabitants, on payment of a small, annually diminishing sum. And in case the new college should ever be dissolved or removed, then King Edward's school was to revert to its former condition. There were various other points, but these were the principal.

A dispassionate spectator of the affair, taking up Lord Bruce's very sensible and well-written pamphlet, would be at a loss to discover the grounds of the extraordinary hostility which immediately upon its appearance broke loose among many of the townsfolk, not only against the various provisions of the plan, but apparently also against the new college itself; unless indeed it were that the arguments which gave so much plausibility to the scheme, were perceived at last to derive all their strength from the long permitted supineness of the beneficiaries. The inhabitants of Marlborough ought never to have allowed King Edward's gift and the Somerset exhibitions to become in their hands a withered branch, requiring the application of a new germinating principle.

In fact, Earl Bruce, by reminding the burgesses of their hidden wealth, furnished them with a weapon against himself. By shewing forth the advantages which lay within their grasp,

had they but the fortitude to seize them, he touched their pride and quickened their slumbering ambition. "The twelve exhibitions," his lordship observed, "enjoyable but not enjoyed by Marlborough, were worth about £444 a year, the capital of which might be reckoned at £11,100. What interest did the town receive for its share of this £11,100? At that moment £36 a year! being the value of one scholarship, held by a foundation boy. Most frequently it received none at all: but, spreading the two or three instances of town's boys holding them during the present generation over an average of years, the interest obtained might be about £20 per annum out of £444." (page 21.)

This certainly looks like throwing away one's advantages; and when it is added that in 1852 there were at the school only six town's boys, out of a population of nearly 4000 within the municipal limits, it exhibits a state of opinion which must have been very far from the anticipations of the framers of King Edward's charter who no doubt conceived that they were giving to Marlborough a school suitable to the exigencies of the place; and what is more, the burgesses thought so too, for they paid for the said charter, more than £60, a heavy sum in those days. [The first conception of the plan may possibly have arisen out of the Protestant reforming spirit of the town, but this by the way.]

Other boys there were besides these six, but they came from a distance; private boarders, who by contrast cast a shade over the foundation boys, and by the superiority of their education, enjoyed the scholarships (which it is affirmed by many were never intended for outdwellers), and created a sort of necessity for the foundation boys to learn many things not specified in the old laws, and to pay for them as extras, such as English, four guineas; Arithmetic, one guinea; French, four guineas; Drawing and Music, four guineas each. This liberty was granted to the masters as a substitute for sufficient salary, by the town council of a by-gone age, whose proverbial

domestic management of finance drew to the town in 1712 the Commission of Inquiry, above mentioned, at the instigation of Mr. Hildrop. Had it never been allowed, the master's undivided attention would have been given to the town's boys, and the scholarships at Oxford would never have operated as a bait for rival pupils.

Whether or not the difficulties attending such an amalgamation of the grammar school with the college, based upon the legal pretence of its contravening the objects of the original benefactors, constitute an insurmountable barrier, will not here be discussed. Neither is there any design to treat with disrespect the fondness or even the prejudice which hangs about an old possession. If jealousy will refuse to the new college the privilege of grafting on an old stock, let the modern inhabitants of Marlborough do with the old school what their grandfathers did not, build it up instead of pulling it about; prevent the "foreign dwellers" from holding the first claim on the scholarships, and fortify the efforts of the charity trustees in an endeavour to place it on the footing of the Birmingham and Bedford schools, to which Lord Bruce has drawn attention. If the large proposal (No. 6) to all burgesses' sons between 10 and 14 is to be rejected, because, as it has been urged, such scholars would be branded by the name of "charity boys," let no such ignominious farce be enacted on the much smaller theatre of the old school.

Earl Bruce finding that his pamphlet, instead of eliciting the public declaration of votes, for and against, which he had solicited, drew forth little else than anonymous hand-bills (Sir Erasmus Williams' attack does not come under this charge), promptly called a meeting of the inhabitants, and on ascertaining the wishes of the majority, at once withdrew the project.

THE CHURCH OF ST. PETER AND ST. PAUL was probably erected early in the fifteenth century. The tower is 116 feet in height, the exterior length of the church 131, width 53.

There is no appearance of the fabric having undergone much change since its erection. The roof of the nave is ceiled in compartments with gilt quatrefoils in the intersections; the chancel and porch are arched and vaulted with stone; the gallery of oak is conjectured to have been executed about 1625. The organ was the gift of Nathaniel Merriman, Esq., in 1820. During the repairs executed in 1843 in the vaulting and elsewhere, Latin inscriptions and quotations from the Psalms were discovered on the stone pillars, long obscured by whitewash. Against the north wall of the chancel is a monument to three of the children of Lord Chief Justice Nicholas Hyde, and of the Lady Mary, his wife. Other monuments are here to the families of Coghill, Clavering, Wall, Lipyatt, Bayly, Dauntsey, Westmacott, Dalrymple, Brathwayte, Hawkes, Merriman, Halcomb, Warner, Pinckney, Francis, Cresset. The principal epitaphs have been published by Sir Thomas Phillipps, and in the '*Collectanea Topographica et Genealogica*;' in which latter work are also copious extracts from the registers. (Vol. v.)

Epitaphs.—“Here lies the body of Edward Cresset, M.A., of Oriel Coll., Oxf., practiser in physic, who lived a most affectionate son of the Church of England, and bequeathed £160 to be improved to the equal and perpetual benefit of the minister of this church and the minister of St. Mary's in this town, whilst continuing as then by law established; but when otherwise, then to the almshouse in the Marsh there. He exchanged this life for a better, 12th April, 1693; and in the year of his age, 108” [arms, quarterly 1 and 4 argent, a bend gules, in the chief a demi lion rampart sable. 2 and 3 azure, a cross engrailed within a bordure engrailed, or.] An Edward Cresset compounded for his “delinquency,” in 1646. There was an Edward Cresset too, who, when the church lands were sold by the Parliament, bought the manor of Bishops Lavington (belonging to Salisbury) for £1465.

Inscription on the south wall of the nave: “In the middle

aisle of this church, nearly opposite this marble, is interred the body of Katharine Baverstock, a most excellent woman, who died 9th December, 1819, in her 87th year." "In the same grave with his beloved wife rest the remains of John Baverstock, who was elected a burgess in the year 1769, was five times chief magistrate, and during 30 years the senior member of the corporation of this borough. He died 11 February, 1829, in his 90th year."

On the south wall of the chancel is a large monument of Sienna marble with three tablets of statuary marble, to the memory of several members of the family of Clavering. That on the left commemorates Mrs. Elizabeth Clavering, daughter of the Rev. Thomas Burnett, D.D., rector of West Kington, Wilts, and wife of the Rev. Robert Clavering, M.A., rector of this parish; who died 1759, aged 53. The tablet on the right is to the memory of Mr. Clavering himself. He was descended from a Northumbrian family, though his immediate ancestors were clergy of Dorset. He died 1773, in the 80th year of his age. Of their children, Algernon, born 1729, was vicar of Broad Hinton; others of them are mentioned on the third tablet, where also is inscribed the name of Dame Grace Hay, relict of Sir James Hay, Bart., youngest daughter of the Rev. Thomas Clavering, rector of Piddlehinton in Dorset. She died in 1753, aged 96.

CHURCHWARDEN'S ACCOUNTS.

From the church MSS., which date from 1555 to 1701, the following extracts are selected.

1576. Received for ten pounds of organ pipes, *3s. 4d.* Item, for rent of church lands, as appeareth by the last rent-roll, *£5. 5s. 4d.* Then follows a list of 66 names of burgesses and others contributing towards rebuilding the pinnacles of the tower *£14. 8s. 3d.* Paid to Philip Blandford the mason, at sundry times, *£29* for the four new pinnacles. To the smith for the vanes, *1s.* For plaster of Paris, *2s.*

1578. Paid for 6 yards of green cloth 17*d.* the yard, to trim up the mayor's seat, 8*s.* 6*d.* To Wood the joiner for amending the pulpits, 2*s.* 6*d.*

1582. For making the seat for my lord Bishop, and for making clean the church, 1*s.* 2*d.*

1585. To Robert Mason for setting fast the cross and the bowl of one pinnacle, 4*s.*

1587. For entering the action against John a'Dean, 2*s.*; for the attorney's fees, 1*s.* 8*d.*; for the return of the jury, 2*s.*

1614. Chantry of St. Katharine mentioned [in 1557 one Henry Fairfield had been rated for it; *Harl. MSS.* 607: though it was probably founded by the Byrdes or Bryds of Marlborough.]

1622. Paid to Thomas Snook and his fellows for seven weeks' work pointing and mending the pinnacles, at 4*s.* a day for himself, and 2*s.* for his fellows—£9. 6*s.*

1625. Many repairs. Church whitewashed.

1627. For law charges to John Franklyn for defence of Dally's suit, £1. 17*s.* 7*d.* Laid out more towards building the gallery, £26. 13*s.* 5*d.* There is owing to Mr. Stephen Lawrence, now mayor, which he hath laid out towards the painting, and other charges of the gallery, £6. 19*s.* 6*d.*

1628. For dressing the King's arms, 6*d.*; new painting the Commandments, £1. 14*s.* 4*d.*

1629. For the font-kiver, and iron-work, 14*s.* 4*d.*

1631. Received of Mr. Walter Bayly for the timber, slate, bricks, earth, and stones of the little house that stood in the churchyard, £3. 10*s.* 8*d.* For plucking down the same, and levelling the ground, 10*s.* For rent of this house to Mr. Heron and Mr. Proffet, 7*s.* 6*d.* After the first year it rose to 10*s.* [No doubt this had been the usual priest's house attached to the church. It stood in the angle between the chancel and the north aisle, and traces of the roof are still visible.]

1634. Received upon a rate for mending the pinnacles and

frame of the bells, £31. Paid to Tommes for making the pinnacles, £7. 4s.

1635. To Roger Davis, for making a new clock, £4. 5s.

1636. Paid for ringing the bells at my lord chief justice's coming, 2s. 6d.

1637. For making the rail before the communion-table, £2. 6s. 4d. Lord chief justice again—New communion-table, 16s.

1640. For the Scots' prayer, and again in 1641 for a prayer against the Scots, 4d. [while the mass of the people were in their hearts praying *for* the Scots, and when led against them refused to strike a blow.]

1645. To his majesty's footmen, £1.

1646. To Mr. Finchthwayte for burying soldiers, £1. To Mr. Mayor, for coffins, 18s. 8d.; for shrouds to bury soldiers, £1. 2s. 10d. For a pint of wine to gratify Mr. Norris for preaching, 8d.: and again in 1647, to gratify a preacher in wine (Mr. Franklyn's son-in-law), 1s. 4d.

1652. To a minister in distress, 2s. 6d.

1661. For painting the King's [Charles II] arms, £5. 0s. 6d.

1666. Paid Leonard for a prayer-book and proclamation for the fast against the sickness, 2s.; for a proclamation and book of thanksgiving for the victory, 2s.

1667. To Leonard for the book of the sad fire at London, 1s.

1672. Planting trees in churchyard, 19s.

1678. For the act for burying in woollen, 6d.

1688. To Mr. Grinfield, interest on £60—£3. 12s.

1698. Oliver Low, the bell-founder's bill, £39. 4s. 10d.

1699. Ringing when the King (William III) came here, 5s.

In the reigns of Henry VIII and Edward VI, as is well known, much of the popish furniture and utensils were dissipated, and many of those mutilations inflicted on church windows and images which ignorant vergers are now in the habit of

attributing to Oliver Cromwell. On Mary's accession, of course, all this was reversed. Here followeth a list of the objects once more presented, by her order, to the admiring gaze of the faithful in Marlborough.

"An inventory of all the implements delivered to John Brownbridge.—St. Peter's, Marlborough, 2 and 3 of Philip and Mary, 1555.

"A fine sheet, four towels, four altar-cloths, a vestment of blue velvet, four altars, twenty-four candlesticks of brass, an holy-water pot of brass, a mass-book, two towels for the priest to wipe his hands, a brassy cross, a vestment bought of Richard Brown, an oil-fat [vat], two candlesticks for the altar, of brass, an altar-cloth of green and red satin, of Bridges, a banner-cloth for the cross, a pax, a rood, a procession-book, a vestment, another vestment, an amnest, a sepulchre, an hymn, a frame for the high altar, a pair of censers, two pair of . . . for the organs, two chalices, one double gilt, two patens."

Remarks, A.D. 1763, from Ecton's *Living's*.

Collingbourn Ducis, so called as formerly constituting parcel of the Duchy of Lancaster, was granted by Henry VIII to Edward Earl of Hertford, afterwards Duke of Somerset; after his attainder it was taken away, but restored by Elizabeth to his son. Lord Bruce, baron of Wharleton, now (1763) holds it with the other lands of the late Duke of Somerset, which he inherits by his lordship's marriage with Elizabeth, Countess of Ailesbury.

Lord Bruce constitutes an official with archidiaconal jurisdiction in Bedwyn magna, Bedwyn parva, and Collingbourn Ducis. In the Bedwyns the Dean of Salisbury has episcopal jurisdiction, in Collingbourn the Bishop. There was formerly a prebendary of Bedwyn magna, valued in the King's books at £63. 18s. 4d.

The Bishop has several peculiars, which are visited by his vicar-general twice every year, over which no archdeacon has authority, viz., Marlborough St. Mary, Marlborough

St. Peter, Preshute, Devizes St. Mary and St. John, Lavington Epis. Pottorn, Stert, Trowbridge, and Berwick St. James.

1840, 25th Feb. A meeting was held at the Town Hall for the purpose of forming a decanal board in connection with the Salisbury Diocesan Board of Education, convened by Henry Wilson, George Pococke Buxton, and John Ward, rural deans; Thomas Merriman, Esq., in the chair. It was proposed to enlarge the means of education by the erection of new school-houses and the establishment of a local board to be called "The Marlborough Decanal Board of Education," to include all parishes locally situated within the deanery of Marlborough. Patron, the Marquis of Ailesbury; president, the Archdeacon of Wilts.

ST. MARY'S.—The original parts remaining of this fabric are far older than St. Peter's, though it is doubtful whether the founding of the church be more ancient. The door at the west end indicates a date not far from 1150. The body of the church was so much injured by the great fire, and rebuilt in so tasteless a style as to call for little remark. A view of it is given in the first vol. of Britton's *Architectural Antiquities*.

ST. MARY'S LIBRARY.—Mr. White, a rector of Pusey, county Berks, at the close of the seventeenth century, bequeathed a valuable library of divinity to Cornelius Yeate and his successors, vicars of St. Mary's at Marlborough; the catalogue of the books to be kept in the chest of the mayor and magistrates, and the books themselves to be in the possession of the said Cornelius Yeate till a more convenient place could be assigned for them. They were subsequently placed in a room erected in the south-west corner of the church, raised on columns, and remained there till about ^{six}~~ten~~ years since, when the church was repaired and repewed. They were then removed to the vicarage, and cleaned and restored, and many re-bound by the then vicar the Rev. George Stallard. Mr. White also left £5 a year, derived from an estate at Coxwal, county Berks, upon condition that the vicar do duly

catechise, as more fully appears by the will, which also is lodged in the borough chest.

CHAPELS.—The decadence of dissent in Marlborough has already been explained at page 320. Some of its surviving friends in 1706 may be known by the following list of subscribers to a new [Presbyterian?] meeting-house erected 'during that year. Mr. Foster, £15; John Duck, of London, £10; John Gough, of London, and a watch to continue to the house, £5; Obadiah Burgess, £4; Robert Gough's widow, £4; Jeremiah Burgess, in slates, £3; Mr. Gough, goldsmith, £1. 1s. 6d.; and many more—Merriman, Hawkes, Foster—the whole sum amounting to £168. 0s. 6d.

"2d Nov. 1707. Mr. John Worth died, having been pastor for seven years and three months.

"Mr. Edward Morris, chosen pastor almost two years after Mr. Worth's death. He deserted us in April, 1713.

"1715. Mr. Morgan was chosen, and desired to come qualified to administer all ordinances as our pastor. Ordained at Frome, 7th Sept. 1716. He administered the sacrament the first time 4th Nov. 1716." The last time his name appears is in 1724. John Billingsley is mentioned in 1726, and Mr. Graham in 1746. Thomas Morgan, M.D., was a native of Wales, and the author of the 'Moral Philosopher,' &c. He had one son and two daughters. ^{by Mary Morris m.a. (see page 309)} The son, Nathaniel, settled in Jamaica, where he married a planter's widow, and had issue an only child, Thomas, who was educated in England, but returned to Jamaica, and died 1784, as is supposed, without issue.

1745, June 10, and 1747, June 22d. On these two occasions John Wesley preached here; on the latter day he says, he was much interrupted by a swearer in a room below; whereupon Mr. Robert Swindells, his companion, went down, and putting a tract entitled "Swear not at all" into the man's hand, succeeded in quieting him. Not so fortunate was

Mr. Wealey at Devizes. There he was treated with great disrespect; and his brother Charles was, in 1747, subjected to a most shameful persecution, which lasted part of two days. The parish engines were pumped into the house where he preached; bull-dogs were set at him in the street; and some of the principal persons in the town so far degraded themselves as to encourage and abet the rioters by distributing beer amongst them. Twenty-five years afterwards, John Wesley's diary furnishes the following sequel to that transaction:—

“1772, Sept. 18th. I preached very quietly at the Devizes. Scarce one of the old persecutors is alive. Very few of them lived out half their days. Many were snatched away in an hour when they looked not for it.”

The inhabitants of Marlborough and Devizes also signalized themselves by grossly assaulting the venerable Rowland Hill. During a tour, made in 1771, we are told “his chief opponents were some of the inhabitants of Devizes, who pelted him with eggs and stones, and followed him to an adjacent village” with a view to hinder his preaching. He experienced a similar reception at Marlborough, where he preached upon the Green, from Isaiah xlviii, 22, “There is no peace for the wicked,” to a very rude and rebellious congregation, who laughed even at the recital of the text. “They pelted me with stones and eggs, but through mercy I was not hurt.” —(*Rev. Edwin Sydney's Memoirs of Rowland Hill.*)

The date of building the old chapel in Back Lane is uncertain. It is supposed to have been the work of Thomas Hancock, whose property it undoubtedly was. The Rev. Matthew Wilks presided at the occasion of its being re-opened, about the year 1770. Eight years after these events, Marlborough became the scene of the labours of the Rev. Cornelius Winter, and of the early studies of William Jay, the latter of whom has for the last half century occupied so distinguished a position in Bath. Mr. Jay came here at the age of fifteen from his

native village of Tisbury in Wilts. Both tutor and pupil were warmly attached, and from the memorials of those days, as portrayed by the hand of his favourite scholar, we now proceed to borrow a brief sketch of the master's career.

CORNELIUS WINTER, born in 1742 in St. Andrew's parish, London, began life as apprentice to a water-gilder; but the singular integrity and devotedness of his character early attracted the notice of the celebrated George Whitefield, whom in 1770 he accompanied to America in order to occupy the position of catechist on the estate of a recently deceased Georgian planter who had left in his will directions for the instruction of his negroes by a clergyman. To render his services more effectual, he returned after a while to England, laden with recommendations to the Bishop of London, from whom he expected ordination. But a disciple of Whitefield (though Whitefield was now dead) was not the kind of preacher in favour with the church, and opponents such as the Archbishop of Canterbury and the Bishops of London and Norwich crushed his hopes of ever returning to America.

It is worth mentioning here, as illustrative of Mr. Winter's character, that he displayed great composure and heroism during a terrible gale which occurred on the passage home. His own account suppresses the following scene, which was furnished many years after to Mr Jay by a fellow-traveller on the voyage. "When all hope of being saved was taken away during this extremity, our impious captain fell on his knees and entreated our neglected friend to pray for him and the ship's company. No one can imagine with what dignity, composure, and kindness, this great and good man behaved himself, and what attention was paid to every word that dropped from his lips as we were kneeling round him."

Cast off from the church from which he had no desire to separate, as proved by a renewed application to a Bishop of St. Asaph, he met in 1781 with a more congenial spirit in the

person of Rowland Hill, who remained his attached friend through life, and under whose auspices he long carried on a system of itinerant preaching in Wiltshire and Gloucestershire, his head-quarters consisting of a small house at Christian-Malford, whither he would retreat for the purposes of close study, till necessity summoned him forth to replenish his slender store by the temporary occupation of some vacant pulpit. Thus he lived a semi-monastic but irreproachable life till the age of thirty-five in 1777, at which point in his history the following autobiographical notice occurs.

“On conversing with Mr. Sloper of Devizes, with whom I had commenced a very steady friendship, which had stood with increasing affection for more than three years, he referred me to Marlborough, and encouraged me to make it an object of attention. I was struck with it as being contiguous to my friends, with whom, notwithstanding hard measures received, I wished to continue in the bonds of friendship, and judged it would be a situation favourable to frequent interviews. Accordingly I made myself acquainted with the people, preached probationary sermons, and being accepted by the universal consent of the people, I commenced the relation of pastor to the church, which had been organised by the judicious direction of one of the senior professors, who had seen religion in that town pass under various revolutions.

“As soon as I could see the probability of my being connected with the congregation at Marlborough, I communicated my intention of withdrawing from Christian-Malford and its connections to the several congregations in Gloucestershire. The intelligence was not very pleasing, but I observed that it was a resolution from necessity and not for convenience, and that it was my wish to testify the continuance of my affection by visiting them as often as I could, and by making an exchange with their ministers as opportunity offered. My most highly esteemed friend Mr. Hill was not pleased by the event, but I presume he saw the propriety of it. He intro-

duced me to my new charge 2d February, 1778, expressing himself very warmly in my favour, and the next morning he left me to prove the justice of all he had said."

Rowland Hill's practice of itinerancy was essentially anti-sectarian; and supposing that Mr. Winter was about to confine his energies to a limited sphere, he perhaps dreaded the loss of an agent whom he judged eminently qualified to diffuse the Catholic element among rival communities. Mr. Hill, though an Anglican by profession and an Independent in practice, tended latterly towards the more federal system of the Scottish Church or Presbyterianism.

Mr. Hill's departure was succeeded in the sensitive mind of Mr. Winter by a period of despondency. He was apprehensive that in coming to Marlborough he had stepped out of the path of duty. The oppression was only temporary, and gloomy thoughts gave place to the cheerful discharge of unremitting labours and never-exhausted charities. His official engagements, either in the town or in the neighbourhood, occurred almost every day of the week, but he also practised letter-writing to an extent which he afterwards found reason to lament. Marlborough, he tells us, was a high-church neighbourhood, and full of prejudice against Methodism, under which appellation he passed; and of the inhabitants, several were regarded as men of letters. To steer his way unrebukably through such elements required a large share of prudence. To a spirit of forgiveness he certainly united ability and classic acquirements, and yet why should we wonder to add, that he passed not through life without many enemies? The following is from his journal.

"Our congregations grew, and some good was done, but the prejudice of the neighbourhood was very powerful, and the young people, as is usually the case, imbibed it. Some indiscretions previous to my settlement had created disgust, nor were they entirely removed at my coming. I found, as I gained knowledge of my flock, that I had need of patience

while I had cause for thankfulness. I was not a stranger to the divine presence either in my retired moments or in my public work. Always weakly, I felt the weight of my office. I never gave myself to intense thinking but with disadvantage to my health, nor was it without a considerable degree of languor that I passed through the exercises of the study or the pulpit. The closeness of the country houses in which I preached, and the different changes I passed from heat to cold, had a hazardous effect upon my frame, which, though often shocked, has not been suffered yet to fall. It has been matter of surprise to me that I have been so little disabled amidst such sensible weakness. Many great men have fallen while I have continued to stand."

The year after coming to this place, he obtained the hand of Miss Brown, an inhabitant of the neighbourhood, who conjointly with a sister (afterwards Mrs. Lanfear) occupied a farm in the neighbourhood. His high character also operated as an inducement for many gentlemen at a distance to place their sons under his care, and thus, contrary to his own design, he became involved for a while in the cares of a school. But his chief delight was in the higher department of training young men for the work of the ministry, whether dissenters or churchmen. "In this," says Mr. Jay, "he did not precisely conform to the common method of education in the seminaries of protestant dissenters. It could hardly be deemed necessary: he seldom had more than three or four at the same time: the formalities of an academy would of course be much dispensed with, and conversation and reading supply a series of lectures. He was a father with his sons rather than a tutor with his students. They were almost constantly with him: he was always familiarly instructing them, and the love he inspired was such as to endear everything he said." . . . "It was no unusual thing for one of his students to accompany him in his visits to the chamber of sickness and the house of mourning: he knew that young men should be sober-minded,

and that by the sadness of the countenance the heart is made better." . . . "There are few things in my life that I can remember with so much melting pleasure as my going with him, walking by the side of his little horse, and now and then riding, on a fine summer evening, into a neighbouring village, and returning again the same night or very early in the morning. In these instances I was required to take sometimes a part and sometimes the whole of the service; but it was a privilege rather than a task to do anything before him. He heard our discourses and prayers with the greatest tenderness, and beamed with pleasure at every presage of improvement. A backwardness to notice imperfections was his extreme; he loved to commend, it was hardly in his power to find fault. Yet though his approbation seemed easily gained, it was not rendered the less desirable. It was delicious to enjoy it, and therefore it always supplied a stimulus. He engaged his students to preach very early after they were with him. This arose partly from the state of the neighbourhood, which wanted help." . . . "He imagined also that the sooner the young men began, the more facility and confidence they would acquire."

Other of Mr. Jay's remarks on this topic are the following. "Though he was a dissenter from conviction before he had established his seminary, he sent one student to Oxford and another to Cambridge. He admired the liturgy, and was attached to instrumental music in the service of God.

"Though always rather infirm and often poorly, how little did he indulge himself. Sloth was out of the question, but how much did he abridge what many would have deemed necessary for refreshment. He was a very early riser. How many exercises have I performed with him before six in the morning, sitting by his side at the table or standing between his knees, with his arm—I think I feel it now—upon my neck."

In the days of his itinerancy he had often said that if ever settled he would give some poor child a common education.

Recalling this resolution, he fixed upon the eldest child of one of his deacons, John Simmons, a poor but deserving man, taught the lad from his alphabet till he was qualified to enter a business, into which his patron moreover introduced him, and lived to rejoice in his prosperity. In this, as in several other instances, his benevolence took a form which reminds us of Dr. Johnson. He long befriended an aged female whose constitutional petulance, though it alienated most of her acquaintance, was unable to weary his own bountiful heart; and when his charities were no longer needed for her body, they were exercised in sweeping the last traces of obloquy from her memory by an appeal to her survivors to "Judge not lest they be judged." "Is it too minute," asks Mr. Jay, "to mention that his students knew what it was on a Christmas eve as soon as it was dark to accompany him with large baskets of meat to drop in the houses of the poor, and then return for more and take another route; and thus gratuitously to furnish those with a comfortable meal who, notwithstanding all Paley's 'Reasons for contentment addressed to the poor,' could never purchase one for themselves? It would be endless to particularise instances of a similar kind."

After remaining at Marlborough ten years, his position became less agreeable. Failing strength had already compelled him to relinquish his school, which he regretted on more than one account, for independently of his attachment to youth, it had enabled him, as he expressed it, "to keep a cut loaf and a running tap for the poor." But the circumstance which precipitated his removal was the declining health of his friend Mr. Hancock, and the hostility of Mr. Hancock's two sons.

At this juncture, a congregation at Painswick requested his services, and while on a visit to that place, he wrote to Mr. Hancock, explaining his position and wishes. Ere this letter could reach Marlborough, his friend expired; and on returning hither himself, the house was shut against him by

the heir, nor could he obtain the melancholy privilege, though invited by the rest of the family, of accompanying the remains of the father to the grave."

The following letters, written at this crisis, to Mr. Jay (then in London), will illustrate the state of his feelings.

"MY DEAR BILLY,—I am breaking off from the sermon I am composing for Mr. Hancock's funeral, who was buried yesterday, on purpose to drop you a line. Ever since I received yours, I have been in hurry and confusion. I am absolutely going from Marlborough, and have a fair prospect of settling at Painswick, in Gloucestershire. There I shall be glad to see you, and as often as may be convenient and prudent, will exchange pulpits with you. You are much upon my heart, and I think upon you with joy, with fear and trembling. You must expect enemies, and look for persons who will take not a little pains to invalidate your labours. I have had information of the advice Mr. Cecil gave you. It was truly important, and equally true the remark he made at the same time—Let nobody spend an afternoon with you, nor do you spend so much time with any one if you can help it. Be sure to preserve some time for attending to Latin and Greek, and by carrying your wits about you, get a knowledge of men and things, as well as pay a close application to books.

"Marlborough, 4th July, 1788."

In another written from Burford, five days later:—"I preached Mr. Hancock's funeral sermon on last Lord's day in the afternoon. If I could help it, I would go no more to Marlborough. Oh that you could meet with some godly young man to fill up my place there! My heart aches for the people, though they have used me so very ill. I hope God will provide for them, and not suffer them to be given up. I hope when you return, the country will afford you much comfort and opportunity for study, and that the opportunity will be well

improved. I am at present exercised with many trials, and hope they will be sanctified. If you can entertain me with any little news, do. God bless you, my dear Billy."

The following is probably the last he wrote from Marlborough, for he left four days afterwards.

"MY DEAR BILLY,—If you really have performed your appointment for Mr. Hill, I would advise you to attend to no further invitations, but leave London immediately. Come into the country to pray and reflect; and wherever you go, set the picture of your mortality before you, and consider that he who has raised you, can sink you, and will, unless you give him the glory of the gifts he has given to you. You will take this hint kind; it intends no reflection. Write or come to Painswick when you can, and by the first opportunity. I long for a little quietude and retirement, but, above all, for that which will come in due time. Till then, I hope for grace to persevere in every Christian duty, and to prove myself by every means in my power.

"Yours &c.

"Marlborough, 29th July, 1788."

There was another friend, who should hardly be lost sight of at this moment. This was Thomas Higgs, of Bath, whom, having educated (with intervals) from the age of ten, Mr. Winter had just witnessed entering St. Edmund Hall, Oxford, having procured for him his college subsistence. The removal from Marlborough occurring simultaneously with the long vacation, Mr. Higgs was present to assist his venerable friend in the packing up of his slender stock of goods. The transmission of these goods to Painswick was attended with a "deplorable disaster," but Higgs was already there to welcome his arrival to the small cottage destined to prove his future home. In that spot, six months afterwards, this young man died in Mr. Winter's arms. He himself survived till 1807. His wife, who became totally blind, lived still longer.

After Mr. Winter's secession from Marlborough in 1788, the

names of Miller and Clift appear among his successors in office, though probably not on the same spot; for soon after the decease of Thomas Hancock's widow, the doors of the meeting-house were closed, the endowments withheld, and the congregation entirely dispersed. Every subsequent endeavour to induce Mr. John Hancock (the trustee under his mother's will) to re-open the place proved ineffectual. The following passage in the will of John Hancock, dated 4th Dec., 1817, sealed its fate: "I give and devise unto my servant Daniel Tarrant, all that dwelling-house, yard, and appurtenances, now in the occupation of Richard Brunsdan; and also the meeting-house, and yard or garden adjoining, with the appurtenances situate at Marlborough aforesaid, to hold to him the said Daniel Tarrant, his heirs and assigns, for ever."

1817. August 13th. The meeting-house in the marsh was opened for public worship. The ministers who presided at the three services of the day were, William Jay of Bath, Richard Elliott of Devizes, and John Clayton, jun. of London. The event excited much pleasurable interest in the town and neighbourhood, and the attendance was very numerous. The following names represent the chief agents in its erection, who gave sums varying from one hundred to twenty pounds. Rev. Will. Jay and friends, Thomas Hall, Esq., Robert Waylen, Esq., of Devizes, Rev. Robert Sloper, Rev. Richard Elliott, Rev. John Clayton, George Elgar Sloper, Esq., Jesse Curling, Esq., Congregation at Marlborough. Altogether £973, leaving a debt which was subsequently liquidated. Robert Tozer was the first minister. He came in 1821. Then followed Thomas Sturges in 1834, and lastly, in 1840, the present esteemed pastor Mr. Richard Henry Smith.

ST. MARTIN'S CHAPEL.—That the position of this fabric, giving name to the part of the town still called St. Martin's, was north of the road leading east to Mildenhall, between Blowhorn Street and Cold Harbour, is indicated by occasional

notices of a piece of land in that neighbourhood constantly said to be bounded on the south by St. Martin's Churchyard, east by Cold Harbour, north by Portfield, west by Blowhorn Street. Ecton mentions many other destroyed churches or chapels, as will be seen in the following list of livings in the immediate neighbourhood of Marlborough.

Livings remaining in Charge.—The rectories of Mildenhall St. John, ^{Parish of} Collingburn Ducis St. Mary, Alton Barons St. Mary, and Wotton Rivers St. Andrews. The vicarages of Albourn St. Michael, Bedwyn Parva St. Michael (formerly a chapel to Bedwyn magna), Overton St. Michael, with the chapels of Alton Priors, All Saints, and Fifield. Okebourn St. Andrews with ^{the} Rokee, and the chapel of St. Leonard now destroyed, Okebourn St. George, Preshute St. George, Ramsbury Holy Cross, with the chapel of Baydon St. Nicholas, the Chantry of Ramsbury.

Livings not in Charge.—The vicarage of Selk, near Marlborough in Mildenhall parish, now destroyed, formerly belonging to the Knights Templars; Axford, a chapel to Ramsbury, destroyed; Bakenton, a chapel to Avebury, destroyed; Baydon St. Nicholas, a chapel to Ramsbury; Monkton, a chapel to Overton, destroyed; Littlecot, a chapel to Chilton Foliat, destroyed; the curacies of Easton Holy Trinity, of Clatford, and of East Kennet.

Livings Discharged.—The vicarages of Marlborough St. Mary, ^{Parish of} Marlborough St. Peter, ^{Vicarage of} Avebury St. James, Froxfield All Saints, and Bedwyn magna St. Mary, with the chapel of Grafton St. Nicholas, destroyed.

BIOGRAPHICAL DEPARTMENT.

Surnames were originally derived either from a man's residence or from his occupation ; the former indicated by the prefix *de*, the latter by *le*.

HENRY of Marlborough, an ecclesiastic of the beginning of the 15th century, held the vicarage of Balliscaddan, near Dublin, and was the author of seven books of annals, which have been partly printed by Camden and others.

HUGH of Marlborough was rector of Ludgershall in Bucks, 1364.

MARLBURG is the name of one of the counsellors practising in the King's Courts, as appears by the year-book, temp. Edward II. Another family of some distinction, bearing the same name, appears to have settled early in Dorsetshire, where we meet with

THOMAS of Marlborough, who was constable of Sherborne Castle in that county, 13th Edward II, and sheriff of Somerset and Dorset, 17th, 18th and 19th Edward II.

JOHN of Marlborough was returned as a burgess to serve for the borough of Malmesbury in the Parliament which met at Westminster 6th Edward II.

WILLIAM of Marlborough was knight of the shire for Somerset in the Parliament which met at York 16th Edward II. Also at an earlier date he is mentioned as lord of the townships of Isle Brewes and Southey in Somerset, assessor and collector for that county, and one of the commissioners empowered to raise the forces of Somerset and Dorset, and to pursue and arrest insurgents. (*Writs for military service.*)

Sir THOMAS, of Marlborough, holding estates at Melbury Bubbe, in Dorsetshire, is mentioned in an action levying a fine for alienation, 13th Edward III.

A Mistress Marborow was an attendant on the Princess Elizabeth in the Tower, time of Queen Mary I.

GODDARD, or Godard, of Wilts, is a very antient family,

deriving its origin from a Saxon source. It also became extremely numerous, commencing apparently at Albourn and Upham, and branching off to Polton, Cliffe-Pypard, Swindon, Purton, Okebourn, Hartham, Berwick-Basset, Cherhill, and other places. For a short period the termination *ville* was added to the name by some members of the family, but was speedily discarded. Thus we have Walter de Godardville of [Albourn?], who, in the reign of Henry III, was governor of Devizes Castle at the time of Hubert de Burgh's imprisonment in that fortress. From him descended several generations, principally named John, and living at Polton and Upham. Albourn manor was alienated in 1636 by Francis Goddard, high sheriff of Wilts, 10th Charles I, whose descendant Edward Goddard, of Cliffe-Pypard, married 1754, Johanna daughter of Henry Read, Esq., of Crowood near Ramsbury, and was succeeded by his son the Rev. Edw. Goddard, of Cliffe-Pypard.

From a member of the above line in the time of Henry the VIII, sprang Thomas Goddard, of Okebourn St. George, lineal ancestor of Edward Goddard, of Hartham and Okebourn, M. P. for Marlborough 20th Charles II, who married Elizabeth, sister of the Right Hon. John Smith, of Tidworth, Speaker of the House of Commons. His daughter Mary became the wife of William Grinfield, M. P. for Marlborough in 1698; and his granddaughter Anne Goddard married Edward Grinfield, of Lockeridge, son of the aforesaid William Grinfield. The male representatives continued at Hartham. Instead of tracing the other numerous branches which may be studied at length in 'Burke's Commoners,' a few particulars will be added having reference to Albourn. The registers of Albourn (or Alderbourn, as it has occasionally been spelt, signifying the "former boundary,") begin with the year 1637. The church exhibits proof of the former opulence of the place. Among the monuments are observable several of the Goddards and Walronds, and both these families appear to have degenerated in latter times,

as the names frequently occur in the registers connected with persons of inferior degree. The inscriptions in the church are published in 'Sir Thomas Phillipps's Collections.' The following are a few of the names.

Richard King, of Upham, Alderman and Sheriff of London, married Mary, daughter of Edward Goddard, died 1668.

Oliver Nicholas, Lieutenant-Governor of Portsmouth, Justice of Wilts, died 1682. He was son of Edward Nicholas, of Manningford, and Dorothy daughter of George Walrond, of Albourn, which Edward was second son of Robert Nicholas, of Manningford, by Jane, daughter of Nicholas St. John of Lydiard.

Colonel Oliver Nicholas, of Albourn, died 1716.

One monument is supposed to commemorate Thomas Goddard who died 1597, father of Richard, who built the old house at Upham, still standing. Over the porch of this antient mansion are inscribed R. G. and E. G. (that is Richard and Elizabeth Goddard) and the date 1599; and a little above T. G. and A. G., that is Thomas, who died 1597, and Anne, sister to Sir George Gifford, parents to the above Richard. An apartment now used as a kitchen has over the fireplace the royal arms engraved in stone, now partly defaced. The engraved date, corresponding as it does with the style of the fabric, confutes the legend that the house formerly belonged to John of Gaunt, and was granted by him to the Goddards. South of the Goddards once stood the mansion of the Martyns, a family of Berkshire origin, but all vestiges have vanished, excepting some irregularities on the surface of the soil and the traces of a garden pond, now dry. The father of the clerk who was officiating in 1822, remembered the old house. The house of the Walronds was consumed in the fire of 1777.

This district belonged to the Dukes of Lancaster. There was a dispute, 18th Henry VIII, between William Essex, who

had the chace in farm, and William Walrond, forester in fee, respecting Dudmore Lodge. In the 1st and 2nd Philip and Mary, Thomas Walrond was plaintiff, and John Goddard and others defendants in a matter of title to certain lands in the chace, with rights of brushwood, warren, deer-hunting. (*Collec. Top. et Gen.*) Goddard arms: Gules, a chevron vair between three crescents arg. Crest: stag's head affronté, gules, attired, or.

SUFFRAGAN BISHOP OF MARLBOROUGH.—In page- 79 mention is made of the appointment of this see, but the incumbent's name is not given. The following extract from Sir Thomas Phillipps's 'Wiltshire Institutions' will supply that defect. In 1540 the King presented to the vicarage of Bradford, void by the attainder for high treason of William Byrde, Thomas Morley suffragan bishop of the see of Marlborough. Also the King (acting during the minority of Edward Darell) presented the same Thomas Morley to the rectory of Fittleton, also void by the attainder of the said William Byrde. [The Byrdes of Marlborough were patrons of Hewish. They had also a chantry dedicated to St. Katharine in St. Peter's Church, Marlborough.]

RICHARD DIGGS, of Marlborough, presumed to be uncle to the better known Sir Dudley Diggs, Master of the Rolls, was serjeant-at-law and member for this borough in all the parliaments from 1597 till his death in 1634. His first wife (who was mother of his heir) was Margaret, daughter of Richard Gore, of Aldrington. He was buried at St. Peter's, 26th January.

WILLIAM DIGGS, his son, married Anne, daughter and heir of Edward Edmunds, of Henbury, co. Gloucester, and by her, who died in 1626, had several children. By this marriage his heir became possessed of the mansion-house of Henbury Audelett, described as standing in the midst of 1200 acres. But in 1627, the year after his wife's decease, the estate was sold to Edward Sampson, of Henbury, whose descendants

still inherit it. Some of their children were the following: Richard, born 1612; Martha, 1614; William, 1615; Elizabeth, 1616; and Margaret, who died 1620.

RICHARD, the eldest son, may be conjecturally identified with the "Captain Diggs," who, in conjunction with one of the Daniels, headed the first movement here in the Parliament cause in 1642, though he appears to have deserted his townsmen in the hour of danger (see p. 163). The St. Mary's register records the baptism in 1643 of a son Thomas, and probably of others.

DANIELL.—The Daniells of St. Margaret's, Baydon Lodge, and other places in this vicinity, constituted a numerous offshoot from the Daniells or D'Anyers of Daresbury in Cheshire, where the family had been seated for several centuries, and continued so to be till the middle of the 18th. Their pedigree from about 1250 may be seen given at length in Omerod's 'History of Cheshire.' The name even appears on the Roll of Battle Abbey as borne by one of the companions in arms of William the Conqueror. The Wiltshire branch, which came hither in Henry the VIII's time, were probably attracted by their participation in some of the sales of religious houses which took place at that period; one of the name being mentioned by Leland as in the occupation of St. Margaret's about the year 1540. William Daniell who died in 1621 was the proprietor of St. Margaret's at the time of the Earl of Salisbury's death there (see p. 139). He was succeeded by his son, another William, who, by his wife Frances, had issue, Jefferey Daniell, born 1626, M. P. for Marlborough, and several other children. Jefferey died in 1681, leaving William his heir, also member of parliament for this borough, born 1665, died 1698; and a daughter Rachel, who, on the death of her brother William without issue, inherited his property. She married Thomas Fettiplace, Esq., of Fernham, co. Berks, and left, with other offspring, Daniel Fettiplace (who sold the estate at Preshute in 1714); Jefferey Fettiplace, of Fernham; and three daughters, Philadelphia, Rachel, and Susanna.

A monument in the church at Preshute thus records the two members of parliament. "Here lie the bodies of Jefferey Daniell and William his son, the last of the antient family of Daresbury in Cheshire, which came into Wilts in King Henry VIII's time, of St. Margaret's, Esquires; both members of parliament of Marlborough: the father, of the first parliament after King Charles II's restoration, who was also of the Convention for the restoring of the said King: the son, of the first triennial parliament, begun the 7th of King William III. Jefferey died 22d April, 1681. William died 25th April, 1697." (It should have been 1698.)

Arms. Argent, a pale fusilly, sable: quartering argent, a wolf passant, sable. Daresbury.

Though the St. Margaret's line thus became extinct, the name still survives in this neighbourhood, at Wilcot, and elsewhere. It may be observed here, that the Captain Daniell of Marlborough, who appeared for the Parliament when the civil war broke out, is not the person whose name occurs in the general histories of the time. Captain Peter Daniel, who was shot at the siege of Gloster in 1644, fighting on the King's side, and Sir Samuel Daniel, a colonel in William III's army, were both members of the Cheshire family.

Aubrey's MSS. notes, written perhaps in 1688, have the following under the head of "Melksham"—

"In the north aisle, that is, Daniell's aisle, which belongs to Binegar within this parish, where is a very antient house belonging to the Daniells now seated at St. Margaret's juxta Marlborough. In the aisle aforesaid, are two old scutcheons of this coat, viz. Vert. a fess between 3 mullets, ar." "In the chancel is an inscription for Isaac Self, a wealthy clothier of this place, who died in the ninety-second year of his age, leaving behind him a very numerous offspring, viz. 83 in number." . . . "From a coheir of Self the Methuens became the possessors of Binegar. The quarterings of Daniell are painted on the north wall of the church at Preshute, near the

chancel arch." [It is difficult to make anything of the above statement, for the arms described by Aubrey are certainly not those of Daniell, but of Poore [?]]

LONGEVITY, 1611, 28th March. Buried at Wootton Rivers Issard Comyns, "a very reverend old woman," aged 105, the wife of John Comyns. Another case of longevity was that of Mrs. Sarah Turner, of Harding farm, who died in 1807 in her hundredth year. See also Edward Cresset's case.

BRIDGET CORNWALL, daughter and heiress of John Cornwall, Esq., of Marlborough, born about 1568, married George Master, Esq., of the Abbey, Cirencester, ancestor of the family who have long resided at Knoles park near that town, and represented that borough in several successive parliaments. After his death she married secondly, Sir William Jordan, of Chitterne and Whitley. The circumstances attending the close of her life were very melancholy. She was at Cirencester when the town was entered and sacked by Prince Rupert, being then in her 75th year, and was so terrified with the uproar that her understanding from that moment deserted her. In the language of Aubrey "she became a child, and they made babies for her to play withal." (Nat. Hist. of Wilts, p. 72.)

JONAH REEVE. A sea captain frequently mentioned as "Jonas Reeve, captain of the Elizabeth frigate of 130 men," fought under the renowned Admiral Blake. In 1653 the captain was slain, and the House was directed to take the case of the widow and children into consideration.

GEORGE LAVINGTON, Bishop of Exeter, a prelate of great learning, was born 1683 at Mildenhall, a parish of which it has been stated that his grandfather had been incumbent. From Winchester school he removed on a scholarship to New College, Oxford, where he graduated in civil law in 1713. Four years afterwards he obtained the living of Hayford Warren, in Oxfordshire, and subsequently a stall at Worcester, which in 1732 he resigned for a residentiaryship at St. Paul's.

Soon after he was presented by the chapter of that cathedral to the livings of St. Michael Bassishaw and St. Mary Aldermanbury, but vacated all his benefices in 1747, on being advanced to the see of Exeter, over which diocese he continued to preside till his death, in 1762. He was the author of the well-known treatise entitled 'The Enthusiasm of the Methodists and Papists compared,' in two volumes, besides a tract against the Moravians, and a variety of miscellaneous sermons. By some, his birth has been stated to have taken place at the village of Heavitree, in Devonshire.

SIR JOHN BUTTON, Bart., of Okeburn St. George, who died in 1713, son of Sir William Button, of Alton Priors, by Ruth, daughter of Walter Dunch, Esq., of Avebury, was the last of three brothers who successively held the baronetage and died without issue. Their eldest sister, Mary, married Clement Walker, Esq., the ancestor of G. H. Walker Heneage, Esq., of Compton Basset, M.P. for Devizes. Among the heraldic memorials exhibited at the Protector Oliver's funeral, was a banner-roll of his Highness's arms impaling those of Button, the latter being "Ermine, a fess gules," derived from their common ancestor, Morgan ap Howell, who had married Joan, daughter of Thomas Button, of Glamorganshire. The antient and knightly family of Button derived their status principally from Sir Walter de Button, or Bitton, who flourished in the reign of Henry III, and whose descendants were enriched by alliances with the heiresses of Furneaux, Bryan, Tuberville, and Basset. Sir William, of Alton Priors, knight, the heir and representative of this house, was created a baronet by James I in 1622, and married, as stated above, Miss Ruth Dunch. It was probably his eldest son who is described as Sir William Button, of Shaw, in Dring's list of the Royalists fined in 1646; his fine being £2,380.

EDWARD POCOCKE, a learned English divine and oriental critic, was born at Oxford, 1604. Archbishop Laud employed him in foreign countries to make collections of MSS. and coins,

and appointed him to the newly founded professorship of Arabic at Oxford. On returning to England, Mr. Pococke found his generous patron a prisoner in the Tower, and the death of that prelate, together with the violent changes then occurring, might possibly have reduced him to want, but for the assistance of a political antagonist, the learned Selden. Mr. Pococke thereby steered his way through that troublous period, and found time to issue several translations and commentaries from Syriac, Hebrew, and Arabic. He died 1691, leaving two or more sons, Edward, rector of Mildenhall, and Thomas, both of whom to some extent trod in their father's steps as regarded oriental literature. There was also a Richard Pococke, a relative of the above, born at Southampton 1704, who became chaplain to Lord Chesterfield while Lord Lieutenant of Ireland. He also was a proficient in the eastern languages, and was a contributor of MSS. to the 'Archæologia' and to the British Museum.

The Rev. EDWARD POCOCKE, rector of Mildenhall, born 1646, married Katharine, daughter of Richard Davy, Esq., of New Sarum, and at his death, in 1726, was succeeded in the rectory by his son,

The Rev. JOHN POCOCKE, who, dying 1763, was succeeded by

The Rev. RICHARD POCOCKE, M.A., born 1720, who married Elizabeth, daughter of Richard Long, Esq., of Rood Ashton—and died 1787, when his widow presented to the living the Rev. Charles Francis (see p. 415).

STEPHEN DUCK, the rural poet noticed at page 387, attracted notice in the early part of the last century as the author of some rhyming compositions. He was born at Charlton, in the Pewsey Vale, and was employed as a thresher by Mr. Daniel, of St. Margaret's, near Marlborough. His talent for rhyming procured him the patronage of Queen Caroline, who first gave him an annuity, then procured him the place of a yeoman of the guard, and finally had him educated for the church, and gave him the rectory of Byfleet,

in Surrey. This station he filled with credit, but at length became deranged, and died in 1756. To commemorate the rise of this man, Lord Viscount Palmerston, in 1734, by deed gave a small piece of land in Rushall to be applied to the benefit of the threshers of Charlton. A field for which it was exchanged in 1804 is still called Duck's Acre, and the rent of it is paid for a dinner, which is annually given on the 1st of June to the threshers of that parish.

The Rev. DR. DAVIDSON, of Froxfield, issued in June, 1799, a prospectus, with queries, for a history of Wiltshire, stating that he had made considerable progress in the undertaking.

MR. STONE, organist of Marlborough. His name is attached to a translation of Metastasio set to music.

SEAGRAM.—1843, died at Bathurst, Gambia, His Excellency the Governor and Commander-in-Chief, Henry Froud Seagram, R.N., eldest son of the Rev. John Seagram, vicar of Albourn.

CRAVEN.—This is a branch of the noble family springing from Sir William Craven, upon whom the dignity of Lord Craven of Hampstead Marshall was entailed. This gentleman married Mary, daughter of Sir Christopher Clapham, of Beamsley, York, knight, by whom, with others, he had

Charles Craven, a younger son, governor of Carolina under Queen Anne. He married Elizabeth Staples, by whom he left at his death, 1754, an only surviving son,

Rev. John Craven, of Chilton House, who married Katharine, daughter of James Hughes, of Litcomb, Berks, Esq., by whom he had surviving issue:

Fulwar, of whom presently.

Charles John, born 1784, married Penelope, daughter of Edward Wheeler, Esq., and has issue,

Charlotte Elizabeth, married to Sir John Walter Pollen, bart.

Fulwar Craven, Esq., succeeded his father at Chilton House, born 1787, married, 1809, Laura, second daughter of George Vansittart, Esq., of Bisham Abbey (uncle to Lord Bexley),

by whom he has issue Fulwar-William, an officer in the army, George Vansittart, Henry-Vernon, William-East, and Georgiana-Maria.

18 Jan. 1807 ROBERT PINCKNEY, an eminent surgeon of Marlborough, died 1800. The Pinckneys, whose pedigree may be seen in the Visitation of 1623, were antiently settled at Rushall, and have been very numerous. At the Restoration, Philip (or John) was turned out of the living of Bemerton for nonconformity. Several members of the Pinckney family have been remarkable for large stature.

WALTER HARTE, a poet and divine, was the son of another clergyman of the same name, who at the Revolution relinquished his preferments rather than take the oath to King William. He was born at Marlborough about 1697, and received his education at King Edward's school, whence he removed to St. Mary's Hall, Oxford, and took his master's degree in 1720. He subsequently became vice-principal of St. Mary's Hall, and obtained so much reputation as a tutor that he was recommended by Lord Lyttelton to the Earl of Chesterfield as a travelling and private preceptor to his natural son, with whom he accordingly made the tour of Europe; and on his return, the Earl procured for him the canonry of Windsor. In early life, when at college, he had published several poems, in one of which, the 'Essay on Reason,' he had been assisted by Pope. He now brought out his 'History of Gustavus Adolphus,' which, although faithful and accurate as to authorities and facts, was not a successful essay. Another of his works was a series of essays on husbandry; and his last was a collection of poems entitled 'The Amaranth,' which appeared in 1763, with engravings designed by himself. As a poet he exhibited more information than genius, but is by no means unentitled to attention, in that barren age. He died in 1774, at St. Austle, in Cornwall, of which place he was vicar.

LEONARD TWELLS, B.A., of Jesus College, Cambridge,

became vicar of St. Mary's, Marlborough, in 1722, and resigned in 1737. He was a voluminous sermon writer and philologist. One set of his discourses, published soon after his coming here, is curious, as containing nearly fifty pages of subscribers' names. A copy is in Mr. Merriman's possession. Others of his works are a 'Life of Dr. Pococke,' an essay on the meaning of the term 'Demoniacs,' and a critical examination of a recent new version of the New Testament, for which the University of Oxford honoured him with the degree of M.A.

GRINFIELD, or Grenfield. This numerous family has not only been connected with the leading persons in Marlborough for many years, but possesses distinguished representatives residing at a distance. Towards the close of the 17th century the entries are very numerous of children of William and Eleanor, of St. Peter's; of Thomas and Margaret, of St. Peter's; and of Richard and Frances, also of St. Peter's. Of these, the descendants of the first couple only will be here spoken of, beginning with their son

William, who died 1692, left by his wife Eleanor, William of Rockley House, M.P., of whom presently, and, besides many other children, Elizabeth, baptized 1679, on the day of her mother's funeral; married Robert, fourth son of Sir William Wake, of Clevedon, Bart., and vicar of Ogbourn, St. Andrews. Their descendants carried on the line, for which see the Baronetage.

William, of Rockley House, was M.P. for Marlborough 10th William III. He married Mary, daughter of Edward Goddard, of Hartham, by Elizabeth, sister of Mr. Smith, of Tidworth, Speaker of the House of Commons. Anne, one of their daughters, was woman of the bedchamber to the Princess Caroline, afterwards Queen of Denmark, and died single 1791. Edward, their eldest son and heir, left Lockeridge for Salisbury, where his children were born, of whom Thomas, married to Joanna, daughter of Joseph Foster Barham, of Bedford,

became the father of the two present representatives of the family, Edward William and Thomas, both in holy orders. Edward William, M.A., for many years minister of Laura Chapel, Bath, is distinguished as the author of the '*Novum Testamentum Hellenisticum*,' the '*Scholia Hellenistica in Novum Testamentum*,' and other theological works, one of the most recent of which is an '*Apology for the Septuagint*.' The object of the two first works is to illustrate the New Testament text by parallel citations as to style from the Septuagint and from a variety of uninspired Hellenistic writers. Of the '*Apology*' it is difficult to speak quite so favourably. Isaac Vossius had already trodden the same ground. Even James I, in 1624, had flourished the inspiration of the Septuagint as a dogma of established canonicity, when he compared to it the marvellous accordance of the two Houses' address with one another and with his own wishes. The younger brother, the Rev. Thomas Grinfield, is rector of Shirland, in Derbyshire, and resident at Clifton, near Bristol. He has distinguished himself by various theological and poetical works, and as a patron of the rising school of art in Bristol. He is favourably known in the memoirs of Dr. Chalmers, as the associate of that venerable man during his occasional visits to the West of England. He married Mildred, daughter of his maternal uncle, John Foster Barham, Esq., and has issue, Charles Vaughan, of Salisbury, M.D., and Thomas John.

MERRIMAN.—This family is found in Oxfordshire early in the 16th century. Before the close of that era, one of them had settled in Newbury,* and had a son, Thomas, born there in 1590. This Thomas had two sons, viz. Thomas, who remained at Newbury, and John, born 1618, who became the captain of horse in the Parliamentary service mentioned at page 250. He married, as is generally reputed, Mary, daughter of the renowned Colonel Goffe, the regicide, and by her had thirteen children. Of these, the youngest, Nathaniel,* undoubtedly settled in Marlborough; though the

* portrait in my room. * a member of the family closely lived at Wolfhall, his son being an Irish Bishop. see page 162.

name was previously known in this town, and may have been introduced from some earlier branch of the same family. The uniformity of Puritan sentiment prevailing in these two towns was probably productive of many similar unions.

Nathaniel, by his wife Mary Hunt, [of Newbury?] had three sons and six daughters, of whom, Nathaniel continued at Marlborough, and Mary married Thomas Morgan, M.D., author of the 'Moral Philosopher;' (see page 484).

Nathaniel^x, born 1696, had three surviving sons, viz.:

1. Benjamin[†], of Marlborough, born 1722, the father of one son, Samuel, of London, M.D., born 1771, and died recently, (see 'Lancet,' 30 Nov. 1850)^x; and of a daughter, Hannah, who died single. *and Gentleman's Magazine February, 1850.*

2. Samuel[†], of London, M.D., who died 1818, leaving one surviving child, Anne, married to her cousin, the last Dr. S.^x *see page 319.* Merriman^{*}, and having issue one son, the present Dr. M., and two daughters. *one of whom was married to the Rev. John Ward. p. 513.*

3. Nathaniel, father of Nathaniel, Thomas, and Benjamin, all of Marlborough, and John, of Kensington: of whom, Thomas and John left issue, the present Merrimans of Marlborough being sons of Thomas. *also the Archdeacon of Graham's Town or Graham's Cape of Good Hope, and*

Dr. Samuel Merriman, the second in the above list, was of *another son in New Zealand who died July 21, 1845* Edinburgh university, and for many years a physician of considerable eminence in London, practising in Queen Street, Berkeley Square, where he died in 1818, aged 86.^x He married *see also*

a daughter and coheirress of ~~William~~ ^{Thomas} Dance, of Marlborough, *his son in* surgeon, by whom, who died 1780, he had fourteen children. *26 Nov 1845* Of these, one only, the wife, as stated above, of his nephew *Piccadilly* Dr. Samuel Merriman, of Half Moon Street, survived him. *H. 2.*

His decay was remarkably gradual. On the morning of the day of his decease he was sufficiently collected to desire a poem of Dr. Watts's to be read to him, and called for his spectacles for the purpose of finding out the place; but the effort was beyond his strength, and perceiving that his end was come, he expressed his sense of entire resignation, and gently

** Nathaniel in the room, + I have miniatures of both these. as miniature. lost & recovered.*

sank away. His portrait has been well engraved by Corner, from a miniature by Richmond. (Besides his medical works, he took delight in Biblical studies, principally with a view to the critical adjustment of translation. *This refers to the second B. M.*

WEARE, *alias* BROWN.—The pedigree of this now defunct family may be studied in the 'Visitations,' temp. Jac. I. A brass plate is said to have been found beneath the pulpit of St. Peter's Church, thus memorialising a member of this family who flourished in the Elizabethan age:—

Here lyeth Robert Weare, otherwise Browne

Who was seven times mayor of Marlborough town,

And he lived in peace all his dayes

With Anne his wife to their great praye.

*And dyed y^e xxix of October in y^e year of o^r Lorde 1570.
Who afterwards in good did put his harts trust.*

BASKERVILLE, OF ROCKLEY HOUSE.

This antient family derives from the Kings of France, of England, of Scotland, and of Ireland, from the Princes of North and South Wales, from the Counts of Flanders, and from CHARLEMAGNE, Emperor of the West. All this, together with the other conspicuous names which have enriched their channel of descent, the Mortimers, Audleys, and Touchets, down to the period of Sir James Baskerville, knight, of Erdesley, in the 15th century, together with subsequent offshoots claiming through him the same royal descent, such as Talbot, Mynors, Farmar, Polwhele, and a multitude of others, has been wrought out and compiled in an elaborate schedule by the indefatigable Dr. Percy, Bishop of Dromore; and for the study of which the reader must be referred to the heraldic works of John Burke, Esq. One of the race, named James Baskerville, of Pontrilas, is said to have presented to King James I fifty stout sons. The branch to be here spoken of were seated at Richardston, in Wilts, in the time of Queen Elizabeth. Francis Baskerville married, in 1635, Margaret, second daughter of Sir John Glanville, of Broadhinton; and it was upon the death *s. p.* of his de-

scendant, Colonel Thomas Baskerville, in 1817, that the estates devolved upon his cousin, Thomas Baskerville Mynors, of Treago, who thereupon assumed the surname and arms of Baskerville, of which house himself and his brother, Peter Rickards Mynors, Esq., became the representatives.

Thomas Mynors Baskerville, of Rockley House, in Wilts, and Clyro Court, in Radnorshire, married, in 1818, Anne, daughter and heiress of John Hancock, of Marlborough, but had no issue. He was a magistrate and deputy-lieutenant, and served the office of sheriff of Wilts in 1827.

The Rev. JOHN EDMEDS, vicar of Preshute, whose name was long associated with the efforts of the Bible Society and of other kindred institutions in Wilts, and of whom it is not too much to say that his memory is enshrined in the veneration and respect of all who came within his influence, was a native of Maidstone, in Kent, and the son of John Edmeads of that town, esquire and banker. He married Louisa Frances, daughter of William Grimaldi, Esq. His appointments were in the following order: curate of Over, in the diocese of Chester; then of Shorne, in Kent; in 1827, rector of Cricklade St. Mary, combining therewith the duties of St. Sampson and the curacy of Lediard Mellisent. In 1834 he was presented to the vicarage of Preshute, where he laboured with great assiduity till his death, in 1849, at the age of 70, occasioned by paralysis, originating probably from over-exertion in performing the duties of his extensive though not over-populous parish.

PENSTONE (see page 337).—This family, long settled at Farringdon, still has representatives at Devizes.

DR. HENRY TOOPE, a medical practitioner in Marlborough in the time of Charles II, made a contribution to the philosophical papers of the Hon. Robert Boyle, on the propagation of the Spanish fly, as resulting from some accidental discovery while attending a patient named Mrs. Corle, of Freshford. But as this is not a medical journal, a simple reference to

the letter must suffice. It is dated from Bath, 5th April, 1683.

WARD.—De la Warde, De Ward, or Garde. This name, variously written, is of great antiquity. It appears on the Roll of Battel Abbey, and flourished conspicuously for many years after the Conquest. **JOHN WARD**, already noticed at page 442 and elsewhere, was of a branch long seated in and about Newcastle-under-Lyne. He was of Stramshall in Staffordshire, and of Ogbourn St. Andrews and Draycott-Foliot, in Wiltshire; but, succeeding his uncle, Charles Bill, was for nearly fifty years resident in Marlborough, where he practised successfully as an attorney, and was a leading member of the corporation. He was the eldest son of the Rev. Francis Ward, perpetual curate of Croxden, in Staffordshire, and rector of Stanford, county Nottingham, by Margaret, eldest daughter of Robert Bill, of Farley Hall, county Stafford, Esq. He was born at Cheadle in 1756, and married, in 1784, Hannah, second daughter and co-heir of Samuel Hawkes, of Marlborough, Esq., and grandniece and co-heir of Sir Michael Foster [see p. 392], and on the death of her only sister without issue, sole heir of both those gentlemen. Mr. Ward died in 1829, and Mrs. Ward in 1843. They had issue six sons and three daughters, viz. :—

ELIZABETH ANNE, born 1784; married 1810, John Gabriel, of Calne, Esq.

MARGARET, born 1786, married the Rev. John Joseph Goodenough, Fellow of New College, subsequently D.D., and Master of the Free Grammar School at Bristol, now rector of Broughton Poges, county Oxon. She died 1813, and, with three of her infant children, is buried in St. Mary's Churchyard, Marlborough.

LYDIA, born 1787; married, 1812, Captain James Alexander Gordon, R.N., whose name appeared as K.C.B. on the extension of that order 2d January, 1815. After having been employed afloat for thirty years, he was appointed, in consideration of his important services, Governor of the R. N. Hospital, and Commissioner of H. M. Victualling Office at Plymouth in 1826, Captain Superintendent of H. M. Dockyards at Chatham and Sheerness in 1832, Lieut.

Governor of Greenwich Hospital in 1840, and Governor of the same institution on the death of Sir Charles Adam in 1853. Sir James is also Admiral of the Blue, and has a medal for the action off Lissa, during which he commanded the *Active*, 38. Lady Gordon died, and was buried at Chatham, in 1835. Her tablet at Marlborough commemorates also three of her children.

THOMAS RAWDON, now of Ogbourn St. Andrews and Draycott-Foliot, and also of Greenham, county Berks, born 1788, still connected with Marlborough as a banker, and as the oldest and one of the most efficient officers in the regiment of the R. W. Y. C. *being made Major in 1854. He died Feb. 28/63*

SAMUEL HAWKES, born 1790; died 1807.

CHARLES BRUCE, born 1793; died 1796.

JOHN, born 1795, of whom presently.

CHARLES, born 1796; died in infancy.

CHARLES, born 1799; M.A., and rector of Maulden, county Bedford.

Arms.—The Wards of Staffordshire bear azure, a cross patonce, or: on a bordure of the last, eight hurts. Over this Mr. Ward of Marlborough bore an escutcheon of pretence which his issue are entitled to quarter, viz. Quarterly 1st, and 4th or, three bendlets azure; on a chief ermine, two crosses pattees gules for *Hawkes*. 2d and 3d ermine, on a chevron vert, between three bugle horns stringed sable, an escallop, or, for *Foster*. Crest: wolf's head erased, or, gorged with a collar azure; thereon an escallop of the first between two bezants. Motto, "Garde la Crois."

THE REV. JOHN WARD, M.A., for twenty-four years vicar of Great Bedwyn, is now rector of Wath near Ripon, to which he was presented by the Marquis of Ailesbury. On the occasion of his quitting this county, the inhabitants of Great Bedwyn, invited him to a farewell dinner on the 26th September, 1850, when, after drinking to his health and future success with the cordiality of a long-cemented friendship, they gave further expression to their sentiments of respect, in the form of a massive silver inkstand, accompanied by an address which reviewed with satisfaction his protracted and constant residence among them. It is a remarkable fact that no trace of a resi-

dent vicar at Bedwyn is to be found in the parochial books for more than a century before Mr. Ward was preferred to this important parish, one of the most extensive in Wiltshire. He found a population of above 2000 scattered in twelve hamlets, with inadequate accommodation in the only church, one service on Sundays, and no national school. He remained to see and rejoice in a greatly increased number of sittings in the venerable parish-church, in the building of a new church at *p. 522.* East Grafton (noticed in another place), in the erection of schools for 300 children, and in a multiplication of church services; and he retired in the full assurance that what he had been successful in recommending, and, in some measure, in accomplishing, would be continued and improved by the future exertions of the patron, incumbent, and parishioners. *Ind. Dec. 4/61*

JONES and BURDETT.—Ramsbury manor-house, long the seat of the Jones's family, whose name has frequently occurred in the preceding pages, was lately the property of the well-known political agitator Sir Francis Burdett, who acquired it in right of his mother, second daughter of William Jones, Esq., descended from Sir William Jones, attorney-general in 1674, who purchased the estate from the Earl of Pembroke. The house was erected from the design of John Webb, nephew of Inigo Jones. The natural beauties of the grounds were much enhanced by a series of improvements introduced by the late Lady Jones, the elder sister of Sir Francis Burdett's mother, who also threw a bridge across the river, and built the lodge forming the eastern entrance to the park. This lady married William Langham, Esq., who, assuming thereupon the name of Jones, was created a baronet, and died s. p. Ramsbury, though now a village, was formerly the see of a Bishop. The period of its dignity lasted probably about 150 years, till the sees of Wilts and Dorset became united and fixed at Sarum. The church contains several monuments to the Jones's, Read's, and Daniell's. About a mile and a half to the north-east of Ramsbury is situated Crawood, the seat of

Captain John Richmond Seymour, who married the daughter of the late proprietor General Read.

SIR HUGH SMYTH.—The impudent forgeries of John Provis declaring himself to be the heir-at-law to the estates of Sir Hugh Smyth, purported to have been executed while that gentleman resided at Rockley House; in accordance with which it was made to appear that certain of the witnesses to the signatures were from this neighbourhood: William Edwards was a saddler and harness-maker of Marlborough; William Dobson, another, was a writing clerk in the service of the Messrs. Merriman; and James Abbot was his steward for the time being. At the trial at Gloucester in August, 1853, David ^{isr}Peace Maurice, surgeon of Marlborough, was also called upon to give evidence as to Sir Hugh Smyth's bodily condition while at Rockley. He described him as a hypochondriac, but fond of hunting. He kept a pack, and came to Rockley every hunting season. The prosecution of the adventurer Provis has yet to be brought to issue. Independently of which, this remarkable case is far too expansive to be here treated.

The following list of the sufferers in the great fire of 1653 (kindly supplied to the writer since page 261 was printed) possesses no small interest. It corroborates the statements there made as to the affluence of the Marlborough merchants, and it brings once more under review the names and occupations of some, if not all, of those energetic citizens who made their town the nursery of civil and religious liberty. The total loss, it seems, was about £80,000; and the sums here set down probably represent the relative individual claims as adjudged by a competent jury or committee. Cromwell, whose generous sympathy was ever responsive to the cry of the unfortunate, who burst into tears when listening to the

tragedy of the Piedmontese persecution, and headed the subscription for them with £2000, was probably a principal moving agent in the national collection which restored prosperity to Marlborough. The place was familiar to him. He had sat in the House when the inhabitants were praised for their "forwardness in the contribution for the relief of Ireland." He had witnessed their sufferings during the war; and, as a smaller illustration of his interest in their welfare, it may be added that a tradition preserved by the late Mr. Robert Dixon (wine-merchant) represents him, on one occasion, as walking about the town in company with the mayor, and discoursing on the proposed erection of a better Guildhall. Besides the sums mentioned below, there were a vast number of smaller sums lost by labourers, spinners, tapsters, cobblers, servants, tailors, joiners, masons, tuckers, farriers, coopers, ropemakers, barbers, blacksmiths, butchers, bakers, grocers, weavers, wheelers, braziers, and poor strangers. Many of those termed "rich strangers" lost probably the material that was placed in the hands of weavers and spinners: 224 houses were destroyed, besides outhouses and buildings in the rear. Previous to the fires of 1653, 1679, 1681, and 1690, already mentioned, there had been a similar calamity in 1581 and 1597. The chamberlain's books for 1598 record large sums laid out for "rebuilding the town." The best specimens of the houses rebuilt at the time of the subscription in Cromwell's days are those on the north of the main street, having small gables, and colonnades spanning the footways. One of them still has the date of 1655 on its principal door. Three or four east of the Castle and Ball were destroyed by fire near the commencement of the present century.

	£
Richard Abraham, victualler .	450
Lewes Audley, maltster .	630
William Barnes, attorney .	45
Thomas Barrett, maltster .	700
James Bartlett, a stranger .	205
John and Nathaniel Bayly, grocers	1650
Henry Bayly, woollendrapery .	1180
Samuel Bayly, linendraper, and his sisters Mary and Elizabeth	240
Rolfe Bayly, attorney . .	58
Thomas Bayly, silkman . .	2339
Philip Bayly, victualler . .	420
Thomas Bayly, rich stranger .	100
Widow Biggs, rich stranger .	10
Edward Bennet, innholder .	650
William Blanchett, rich stranger	24
George Blanchett, shoemaker .	326
William Blandy, rich stranger .	55
Mr. Blissett, brewer . . .	500
Obadiah Blissett, four houses .	530
Widow Blissett	320
Richard Bollyn, cutler . .	100
Thomas Bourne, maltster . .	765
William Bristow, rich stranger .	39
Mr. Burgess, silkman . . .	1085
Robert Bryant, chandler . .	1106
Thomas Bryant, chandler . .	932
Thomas Burgess, maltster . .	50
County arms (weapons) burned in Mr. Burgess's house . .	30
Henry Carey, hatter . . .	290
Edward Carter, saddler . .	602
Andrew Clarke, wheelwright .	276
Robert Chandler, rich stranger .	32
Mr. Clements, maltster . .	1178
Christopher Cooper, victualler .	275
Henry Cowsey, victualler . .	510
Thomas Crabbe, maltster . .	225
Simon Coleman, maltster . .	110
Lewis Crapon, weaver . . .	390
Hester Davis, stranger . . .	44

	£
Roger Davis, gunsmith . . .	167
Widow Dawes, innholder . .	1250
Widow Dodson	400
Anthony Dring	70
William Edwards, victualler .	527
John Elliott, baker	240
Thomas Eyres, chandler . .	870
Mrs. Finchthwayte, innholder .	1650
Thomas Finsthwayte, rich stran- ger	142
John Fowler, tucker	132
Samuel Fowler, linendraper .	222
Mrs. Franklyn, widow . . .	780
Francis Freeman, tanner . .	820
Peter Furnell, maltster . .	211
Thomas Geering, upholsterer .	161
Thomas Glass, victualler . .	711
William Gough, goldsmith . .	1134
Mrs. Grayle, rich stranger . .	63
Thomas Grenfield	220
Richard Green, tucker . . .	97
Mrs. Gunter, rich stranger . .	3
William Grenfield, woollen- draper	740
John Hammond, bookseller . .	240
Anthony Hatt, barber . . .	203
William Hawkes, rich stranger .	36
Mr. Hearst, apothecary . . .	862
Michael Hearst	40
Nicholas Hibbert, jun., maltster	500
Nicholas Hibbert, sen., cheese- monger	190
Mr. Hitchcock, two houses . .	260
William Hitchcock, rich stranger	64
William Houlbrook, blacksmith	10
Thomas Hunt, maltster . . .	1350
William Inglee, tucker . . .	44
Emanuel Jacob, rich stranger . .	27
Old James	1
John Keynes, linendraper . .	2087
Thomas Keynes	270
Master of Sutton's Hospital . .	20

£	£
Mr. Lawrence, of Broome, a stranger 8	Thomas Skipper, yeoman . . . 250
Benjamin Lawrence, draper . . . 566	Widow Slatter, maltster . . . 150
John Lawrence, maltster and innkeeper 2410	Stephen Southey, victualler . . 154
Philip Lawrence, chandler . . . 700	Mr. Skidmore, rich stranger . . . 60
Stephen Lawrence 220	Mr. Smith, the physician . . . 30
Widow Lawrence, victualler . . . 616	Mr. Smyth, chirurgeon at the Devises 394
William Lewes, maltster . . . 400	Merrick Spender, saddler . . . 349
Christopher Lipyatt, linendraper . 1220	Mr. Stevens, rich stranger . . . 4
Widow Long 267	John Stout, shoemaker . . . 137
Mr. Millington, rich stranger . . . 30	Mrs. Street, stranger 150
Thomas Newby 100	Benjamin Stanmore, labourer . . 105
John Newcombe 280	Richard Symes, victualler . . . 388
Edmund Parris, rich stranger . . . 40	Onesiphorus Tapp, victualler . . 256
Walter Parsons, shoemaker . . . 242	William Tarrant, attorney . . . 340
Thomas Pearce, sen., for all . . . 500	Thomas Trebbrett, taylor . . . 121
Edward Perlyn, bailiff 297	William Tuttle, innholder . . . 329
Robert Pearce 458	Mr. Underhill, innholder . . . 139
Mr. Pile, rich stranger 120	Francis Walker, butcher . . . 285
John Potter, maltster 370	Samuel Wallis, grocer 259
Arthur Prater, tiler 380	John Waterlin, maltster . . . 355
Widow Prior, hatter 305	Mr. Webb, linendraper 317
Mr. Proffet, minister 80	Mr. Webb, for the cage 40
Widow Purlyn 100	Mr. Webb, for his houses . . . 340
William Purryer, pinmaker . . . 230	Edward West, barber, three tenements 640
Walter Randall, glover 145	Nathaniel Winter, goldsmith . . 400
Mr. Rashley, innkeeper 1590	Edward Winde, shoemaker . . . 300
John Raymond, shoemaker . . . 130	John Williams, glazier 240
Robert Bedford, labourer 50	Christopher Withers, apothecary 60
William Bedford, labourer 180	William Woodley, maltster . . . 252
John Robinson, plantseller 80	The Church of St. Mary's parish . 1600
Josiah Sadler, tanner 120	The Market House and Hall of the Borough 1000
Richard Shipperry, chandler . . . 560	
Oliver Shropshire, innkeeper . . . 204	

BURGESSES IN PARLIAMENT.

In the early part of Chapter IV, it was shown that the primitive independence of towns, as separate republics, was a condition long antecedent to and absolutely at variance with the system of national centralisation involved in the theory of representation; and that the regarding representation of towns as an inherent right at a time when it was not sought as a right, is an obscuration of the true view of society at that era, resulting from an acquaintance only with its modern aspect. That it is an undoubted right, the moment its want is felt, no one will deny; but viewed simply as a historical question, it is not uninteresting to contemplate a period when the liberty of the citizen stood upon a totally distinct basis, viz. domestic government.

Since printing that chapter, the writer has been gratified by observing its perfect correspondence with the views presented in M. Guizot's *Histoire des Origines du Gouvernement représentatif*. "Il est à peu près certain," observes that distinguished writer, "que les villes n'envoyèrent jamais députés au Wittenagemot. Leurs droits se renfermaient dans leurs murs, et quand elles prenaient part à la politique, c'était d'une façon accidentelle et irrégulière." (Vol. ii, p. 179.)

The summoning of deputies from a few of the more important boroughs, adopted in 1264, by Simon de Montfort, Earl of Leicester (whom Guizot hesitates not to style the founder of representative government in England), as an expedient to render himself popular, continued to be afterwards practised on occasions of emergency, such as the voting of subsidies or the passing of so important a code of laws as the "Statutes of Marlborough" to settle the mutual rights of all classes; but it long continued a fluctuating thing, both as to the numbers of the boroughs and the occasions of calling them. Leicester (Guizot observes) being at one moment in

opposition to the Crown, and, anon, at feud with his rivals the Barons, found it necessary to bring into play the agency of the inferior classes, and to secure for them a definitive position in the national councils. After his death at the battle of Evesham, various parliaments were held, not only before but after the grand Convocation at Marlborough, at which deputies from counties and boroughs certainly did not attend, their presence probably being deemed burdensome and unnecessary when the business was not of a general character. But when a meeting of such national importance as the Marlborough parliament aforesaid was summoned, then it would appear that all parties were required to be present, the delegates invited on that occasion being "*les plus sage du royaume, aussi bien d'entre les petits que d'entre les grands.*" In the following reign, that of Edward I, the practice generally acquired consistency.

HENRY III.

1267. 52 Hen. III, parliament held at Marlborough.

EDWARD I.

1295. Philip de Stamburule.

*** Nyweman.

1298. The writs for this parliament, held at Salisbury, are all lost.

1300. Nicholas Heved.
John Swetebody.

1304. Roger Page.
Philip le Boteler.

1305. Peter le Messenger.

1306. Elias de Hardinton.
Robert Baron.

EDWARD II.

1307. Philip de Stanburn.
Richard de Foxley.

1309-11-12-13. Writ returned to the constable of the castle, Queen Margaret's bailiff of the liberty of Marlborough, who has the return of all writs and the execution thereof, but who gave no answer to the sheriff.

1313. Geoffrey de Okebourn.
Geoffrey de Pademore.

1313. Geoffrey de Aldwyne.
Henry le Honte.

1314. Names obliterated.

1315. John Gynes.
Geoffrey de Okebourn.

1318. The sheriff could not execute the writ in the constable's bailiwick.

1319. Walter Monaunt.
John Le Symple.

1320. Nicholas Heved.
Richard Reymond.

1321. Writ returned to William de
Ramshull, constable of the
castle, who gave no answer
to the sheriff.

1322. Geoffrey de Okebourn.
Henry Le Falconer.

1322. Geoffrey Aldwyne.
Geoffrey de Okebourn.

1324. John Goudhyne [Godwin].
William de Ramshull.

1325. Richard de Mildenhall.
Henry Le Falconer.

1327. William de Ramshull.
Robert Le Toppere.

HENRY V.

1413. Thomas Hatheway.
William Alelif.

1414. John Bryd [Bird].
Thomas Hatheway.

EDWARD IV.

1477. Robert Hilton.
John Stone.

HENRY VIII.

1529. Edmund Darrel.
Henry Bagot.

1534. John Thynn.
* * * Berwicke.

1541. John Thynn.
William Barnes.

1544. John Thynn.
Andrew Baynton.

1544. John Thynn.
* * * Berwicke.

EDWARD VI.

1553. William Button.
Roger Calley.

MARY.

1553. Robert Weare, *alias* Browne.
Robert Bytheway.

1553. Owen Gwynn.
Thomas Tyndale.

1554. Peter Taylor, *alias* Perse.
John Brooke.

1555. Andrew Baynton.
Gabriel Pleydell.

1557. William Daniell.
William Fleetwood.

ELIZABETH.

1558. William Daniell.
John Young.

1562. Michael Blount.
Leonard Daniell.

1570. John Cornwall.
Philip Godwin.

1571. Nicholas St. John.
John Stanhope.

1584. Edward Stanhope, LL. D.
Henry Ughtred.

1585. Edward Stanhope.
Edward Hungerford.

1588. Richard Wheeler.
John Cornwall.

1592. Richard Wheeler.
Anthony Hungerford.

1597. Richard Wheeler.
Richard Diggs, sergeant-at-law.

1601. Lawrence Hyde.
Richard Diggs.

JAMES I.

1603. Lawrence Hyde.
Richard Diggs.

1614. Lawrence Hyde.
Richard Diggs.

1620. Richard Diggs.
William Seymour, Lord Beauchamp.

1620. *Vice* Lord Beauchamp,
Sir Walter Devereux.

1623. Richard Diggs.
Sir Francis Seymour.

CHARLES I.

1625. Richard Diggs.
Edward Kirton, styled "officer
to the Marquis of Hertford."

1626. Richard Diggs.
Edward Kirton.

1627. Richard Diggs.
Sir Francis Seymour.

1628. *Vice* Seymour, who made his
election to sit for the county
of Wilts.
Henry Pierce, Esq.

1639. Sir William Carnaby.
Sir Francis Seymour.

1640. Sir Francis Seymour.
John Franklyn.

1641. *Vice* Seymour, raised to the
upper House,

No. of Commons on 1 Jan. 1642. Philip Smith. He was sent by the House to inform the King of the Articles of Impeachment. He died in Oxford Castle. Charles Fleetwood.

OLIVER, P.

1653. The little parliament; no mem-
bers summoned from pro-
vincial towns.

1654. Charles Lord Fleetwood.

1656. Charles Lord Fleetwood.
Jeremy Sankey.

RICHARD, P.

1658. Thomas Grove.
James Hayes.

COMMONWEALTH restored.

1659. Charles Lord Fleetwood.
By writ of the keepers of the
liberty of England.

1660. Jeffrey Daniell.
Henry Hungerford.

CHARLES II.

1661. Jeffrey Daniell.
John, Lord Seymour.

1674. *Vice* Lord Seymour,
Sir John Elwes.

1679. Lord Bruce.
Thomas Bennett.

1681. Lord Bruce.
Thomas Bennett.

JAMES II.

1685. Sir John Ernley.
George Willoughby.

1688. Sir John Ernley.
George Willoughby.

1688. *Vice* Willoughby,
Thomas Bennett.

WILLIAM III.

1689. Sir John Ernley.
Sir George Willoughby.

1695. Thomas Bennett.
William Daniell.

1698. Richard, Earl of Ranelagh.
William Grinfield.

1700. Richard, Earl of Ranelagh.
John Jeffereys.

1701. Robert Yard.
John Jeffereys.

ANNE.

1702. Hon. Robert Bruce.
John Jeffereys.

1702. *Vice* John Jeffereys, who made
his election to sit for the
county of Brecon.
Edward Jeffereys.

* The Middle Temple returned answer in writing, that "their intention to protect the King was as much as they were bound thereunto by the oath of allegiance & supererogatory." The King, however, himself directed, after he had so far arrested the Members, who rushed out of the House just as the King returned, having been warned by Lady Carlisle, who heard the Queen say something. On the 10 January the King's

1706. John Jeffereys.
Edward Ash.
1706. *Vice* Edward Ash,
Algernon Seymour, Earl of
Hertford.

1707. First parliament after the union
with Scotland.
John Jeffereys.
Earl of Hertford.

1708. Earl of Hertford.
Hon. James Bruce.

1708. *Vice* Hertford, who elected to
sit for Northumberland,
Sir Edward Ernley.

1710. Charles, Lord Bruce.
Hon. Robert Bruce.

1711. *Vice* Lord Bruce,
Richard Jones.

1713. Hon. Robert Bruce.
Gabriel Roberts.

GEORGE I.

1715. Gabriel Roberts.
Francis Hayes, returned by
Fowler, mayor.
Sir William Humphreys.
Joshua Ward, returned by
Williams, mayor.

1716. Hayes retires (page 352).

1717. Ward, unseated by vote of the
House (page 357).

1722. Gabriel Roberts.
Algernon, Earl of Hertford.

1722. *Vice* Hertford, who elected to
sit for Northumberland,
Thomas Gibson.

GEORGE II.

1727. Thomas Gibson.
Edward Lisle.

1734. Edward Lisle.
Francis Seymour.

1737. *Vice* Lisle, who elected to sit
[for Southampton,
John Crawley.
Mr. Grinfield, opposed, but had
only four votes.

1741. John Crawley.
Sir John Hynde Cotton.

1747. Sir John Hynde Cotton.
John Talbot, jun.

1752. *Vice* Cotton, deceased,
His son, Sir John Hynde
Cotton.

1754. Sir John Hynde Cotton.
Hon. John Ward, eldest son of
Lord Ward.

GEORGE III.

1762. John, Lord Brudenell, eldest
son of the Earl of Cardigan.
Hon. Colonel Robert Brudenell,
second brother to the Earl of
Cardigan.

1762. *Vice* John, Lord Brudenell,
created Baron Montague.
James Long.

1768. Colonel Robert Brudenell.
Sir James Tylney Long.

1769. *Vice* Brudenell, deceased,
Hon. James Brudenell, next
brother to the Duke of Mon-
tague.

1774. Sir James Tylney Long.
Hon. James Brudenell, who
subsequently became Earl of
Cardigan.

1780. James Stopford, Earl of Cour-
town.
William Woodley.

1784. Lord Courtown.
Sir Philip Hales.

1784. Lord Courtown made treasurer
of the royal household—re-
elected.

*London (and never returned to it as King) died on the 11th the five Members
survived their seats - Forster's account of Five Members. 1860.*

- | | |
|---|---|
| <p>1790. Lord Courtown.
Hon. Major-General Thomas Bruce.</p> <p>1793. <i>Vice</i> Courtown, who accepted the C. H.
Charles William Montague Scott, Earl of Dalkeith.</p> <p>1796. Charles Brudenell, Lord Bruce.
Hon. James Bruce.</p> <p>1798. <i>Vice</i> James Bruce, who had accepted the C. H.
Robert Brudenell.</p> <p>1802. Charles Lord Bruce.
James Henry Leigh.</p> <p>1806. Charles, Lord Bruce.
Charles, Earl of Dalkeith.</p> <p>1807. Charles, Lord Bruce.
James George, Viscount Stopford.</p> <p>1808. <i>Vice</i> Lord Stopford.
Colonel Edward Stopford.</p> <p>1812. Charles, Lord Bruce.
Major-General Edward Stopford.</p> | <p>1814. <i>Vice</i> Lord Bruce, called up,
Hon. William Hill.</p> <p>1818. James Thomas, Lord Brudenell.
Hon. John Wodehouse.</p> <p style="text-align: center;">GEORGE IV.</p> <p>1820. Lord Brudenell.
John Wodehouse.</p> <p>1824. Lord Brudenell, re-elected.</p> <p>1826. Lord Brudenell.
George William Frederick, Earl Bruce.</p> <p>1830. William John Bankes.
Thomas Henry Sutton Bucknall
Estcourt [now Mr. Sotheron.]</p> <p>1830. William John Bankes.
T. H. S. B. Estcourt.</p> <p>1832. Lord Ernest Bruce.
Henry Bingham Baring—who
have continued to sit for the
borough to the present time,
1853.</p> |
|---|---|

1360. Endorsement by the Sheriff of Wilts to the writ 34th Edwd. III summoning parliament.

I, Henry Sturmy, sheriff, by virtue of this writ, have caused to be elected two knights of the most honest and discreet knights of the county, and two citizens of the most honest and discreet citizens of the city of New Sarum: and of every of the underwritten boroughs, to wit, Downton, Calne, Old Sarum, and Chippenham, two burgesses of the most discreet and honest burgesses; having full and sufficient power for themselves and the commonalty of the same county, and for themselves and the commonalties of the cities and boroughs severally, for them to do and consent to those things which by the common council of the lord the King shall happen to

be ordained, &c. &c. And for all the other boroughs of this county, I have made a return of this writ to William French, bailiff of the Liberty of Philippa, Queen of England, and to William Wyke, bailiff, of the Liberty of Ralph, Earl of Stafford, viz., of his hundred of Kinwardstone, within which liberties the aforesaid boroughs are situated, to wit, Marlborough, Malmesbury, Devizes, Ludgershall, Cricklade, and Bedwyn; the said bailiffs having the return of all writs of the lord the King and the execution of the same. And the said bailiffs have given to me no answer thereupon.

The following form illustrates the mode of the Sheriff's return in the sixteenth century: [for the borough].

4th January, 2d of Eliz. Indenture between Henry Brouncker, Esq., Sheriff, of the one part, and John Rone, mayor of the borough of Marlborough, and the burgesses of the same borough, of the other part, Witnesseth, that the said mayor and burgesses, of their special one assent, consent, and agreement, have nominated, elected, chosen, appointed, and admitted, William Daniell, gent., and John Young, gent., burghers for the said borough, to answer for and in the name of the whole body of the said borough, in the parliament to begin at Westminster, 8th January inst. In witness whereof the mayor and burghers have put their common seal to one part, and the Sheriff to the other part."

The like between John Trewe, mayor, and Jasper Moore, sheriff, 26th Eliz. The like between John Cornwall, and Sir Jasper Moore, sheriff, 1st of James.

MARLBOROUGH

BOROUGH ARMS.

Per Saltire, Gules and Azure: In chief, a Bull passant, Argent, armed Or: In fess, two Capons, Argent: In base, three Greyhounds courant in pale, Argent. On a chief, Or, a pale charged with a Tower triple-towered, Or; between two Roses, Gules.

CREST—On a wreath, a Mount, Vert, culminated by a Tower triple-towered, Argent.

SUPPORTERS—Two Greyhounds, Argent.

APPENDIX.

WAYLAND SMITH'S FORGE.

THE memorials of this district may hardly be dismissed without a reference to the cromlech at Ashbury, popularly known as Wayland Smith's Cave, whose legend is familiar to every reader of Sir Walter Scott's romance of Kenilworth. That the spot was ever the resort of a metallurgic artificer is more than doubtful: we may, therefore, regard its name as an illustration of the practice of the Anglo-Saxons of connecting their myths and traditions with monuments which they found on their arrival in England. Weland was the Vulcan of their mythology, and the peculiar form of the solitary cromlech would not unaptly suggest the portal to his subterranean domain.

The legend of Wayland the Smith is manifestly of an older date even than the Edda, that venerable collection of the sacred writings of the north. We see in it the hero-worship of the fierce Norsemen deifying their Scandinavian Vulcan, and assigning to him a superhuman origin as an evidence of their estimate of the divine gift he is supposed to have bestowed. But the mythic legend finds its prototype in the Greek Dædalus, if not in the Mosaic Tubal-Cain. It is incorporated into nearly all the older European tongues with singular uniformity of idea. In the Icelandic the name of the renowned northern metallurgist is Völund or Vaulundr; in old high German, Wíolant and Wíelant; in Anglo-Saxon, Weland and Velont; and in modern popular dialect, Wayland as a name and Valiant as an epithet. In the Latin of the middle ages it becomes Guiliandus and Galannus, and in old French, Galans or Galant.

As the word Dædalus among the Greeks, so was Weland among the Scandinavians, a generic term. *δαίδαλλω* signified to work artistically, as Völundur signified a smith in Icelandic, and Dædalus was, like Weland, pre-eminently the artist and the workman. The word became a proper name only because of their attributing to this mythological being all the perfections of the art. The word vöelund existed before the history of the smith Weland had been constructed, just as *δαίδαλλω* existed before the personification of Dædalus. This is no new idea. It was obviously from a recognition of it that King Alfred, when translating the *De Consolatione Philosophiæ* of Boethius into Anglo-Saxon, used the name of the Northern Weland as synonymous with Fabricius. This symbolic impersonation must have assumed a perfect individuality when

he thus paraphrased the passage "*Ubi nunc fidelis ossa Fabricii morant : Quid Brutus, aut frigidus Cato ?*"

Where are now the bones of the wise Weland,
The Goldsmith formerly most famous ?

* * * * *

Who knows now the bones of the wise Weland,
Under what mound [barrow] they are concealed ?

Some legends profess to declare the era of the northern smith. French romancers mention him as the maker of Charlemagne's famous sword Durendal, while others describe armour forged by him and weapons inscribed with his name. The most curious notice of this kind occurs in an English MS. probably of the age of Edward I, being a description of the sword of Gouvain a Knight of Arthur's Round-Table, made by Galant, having the following lines inscribed in *canello gladii* :

Jeo su forth trenchant e dure :
Galaan me fyth par mult grant cure :
Catorse anz [out] Jhesu Oristh,
Quant Galaan me trempa e fyth ;

That is, "I am very sharp and hard : Galaan made me with very great care : fourteen years had Jesus Christ, when Galaan tempered me and made me."

Matthew Paris informs us that when Henry I of England presented a suit of arms to the young Count Geoffry of Anjou, the sword was of Weland's manufacture. "*Lorica maculis duplicibus intexta, hasta fraxinea ferrum Pictavense prætendens, ensis de thesauro regio in quo fabricando fabrorum superlativus Galannus multâ operâ et studio desudavit.*" (*Hist.* xii, 521.) Other romancers furnish with swords of Galant's workmanship both Julius Cæsar and Alexander the Great, and by inheritance from the latter, Ptolemy, Judas Maccabeus, and the Emperor Vespasian ; but such spurious inventions lack all the value of the original symbolic legend.

While modern learning and research have brought to light the most ancient literate forms of this northern myth, in the *Edda* and *Nibelungen Lied*, it is in England only that it has survived to our own day as a living popular tradition ; and it is due to the somewhat grotesque travesty of its rude Berkshire version, inwrought into the tragic tale of Kenilworth, that it has been restored to the favour of modern Europe. Among the old Scandinavian nations, and in Iceland, where the language of their Runic literature is still a living tongue, as well as in France, and throughout the whole Germanic races of the Continent, all memory of the restoration of this divine gift of the metals has utterly passed away. In England only, towards which we see the galleries of the elder inheritors of civilization winging their way in quest of its metallic treasures, with the first glimpse we catch of it as it emerges out of the night of time—the mythic legend has retained vitality till now. How the story of our Northern Dædalus came to be associated with the Monolithic group at the foot of the White Horse Hill, in the vale of Berkshire, it is now equally vain and useless to inquire. There,

according to rustic folk lore, dwelt the invisible smith. No one ever saw him; but he who had the courage to avail himself of his skill had only to deposit a piece of money on one of the stones, and leave his horse beside it. On his return, the horse was found to be shod and the money gone. Such was the last shadowy tradition of the venerable myth.

The above remarks are in great measure derived from a recent work on the pre-historic annals of Scotland, by David Wilson, Honorary Secretary of the Society of Scottish Antiquaries, who quotes Thomas Wright on the legend of Wayland Smith, W. S. Singer on the same, from the French of Depping and Michel, and others.

SARSEN STONES.—The term Sarsen, or Saresyn, was applied by the Anglo-Saxons, simply in the sense of *Pagas*, to the stones which they found scattered about the Wiltshire Downs. As all the principal specimens of these mysterious blocks were perceived to be congregated into temples popularly attributed to heathen worship, it naturally came to pass that the entire formation acquired the distinctive appellation of Sarsen or Pagan stones. The same epithet of "saresyn" the Saxons also applied to their invaders the Danes or Northmen, who, on their coming into this country, were universally pagan. Thus Robert Ricart (quoted in Robert's *History of Lyme*) says, "Duke Rollo Le Fort was a Sarsayu come out of Denmark into France;" and a spot in Guernsey is still designated by the same term from having constituted the temporary stronghold of certain Norman freebooters.

The following dog-Latin document is another illustration of the disputes springing out of toll exemptions in rival towns. [See page 98.]

"1206. Burgenses de Merlebergh dant decem marcas pro sic quod Burgenses de Bristol non vexent eos in aliquo contra libertatem cartæ domini Regis quam iidem Burgenses de Merlebergh habent: Et sic mandatum est Burgensibus de Bristol, et quod permittant ipsos esse quietos de tolneto et consuetudine secundum libertates prædictas, nec remaneat eo, quod ipsi de Bristol dicunt, quod villa sua non est de dominico Domini Regis, quia Dominus Rex vult quod ipsi interim sint quieti quamdiu villa illa fuerit in manu Domini Regis." (*Rotuli de finibus.*)

The case between the Earl of Hertford and the Dean and Canons of Windsor, 1604. [See page 149.]

1. King Henry VIII obtained from the dean and canons of Windsor, divers lands and manors antiently granted to them upon their foundation, promising to assure unto them other finable lands, partly in recompense, and partly for the maintenance of the poor knights there, and to other charitable uses.

2. By his will the said King doth provide especially, that lands of the yearly value of £600 and upwards should be assured, for the uses aforesaid, unto the said dean and canons.

3. After the death of King Henry VIII, the Duke of Somerset being seized of divers parsonages impropriate, prebends, &c., exchanged the same with King Edward VI for other lands.

4. King Edward VI, by his letters patent, reciting the considerations, viz. of King Henry VIII's Will, for recompense to the dean and canons, and for maintenance of the poor knights, doth grant to the said dean and canons and their successors, certain of the said parsonages, prebends, and portions of tythes of the said annual value of £600.

5. By a book of articles under the great seal, the late Queen Elizabeth did express how this £600 should be employed, viz. : £400 and more for the poor knights and other uses, and the residue to defray other charges.

6. This grant of Edward VI hath been impeached upon sundry pretences ; as for non-enrolment of the Duke's deed of exchange to the King, within the limited time ; and for that the said parsonages and prebends were not rightly appropriated ; and for other causes, as viz. : that the said parsonages, tythes, and prebends, were entailed to the said Duke and his heirs male, before he exchanged the same with the King. Whereupon the now Earl of Hertford made claim to part of the said lands, because the lands which he had in exchange with the King were taken from him by Act of Parliament, procured by his adversaries shortly after his father's death.

7. Afterwards the differences between the Earl and dean and canons were, by our late Queen Elizabeth, referred to the two lords chief justices, who did order and award, that as well the said Earl as the said dean and canons, should become humble suitors unto the high Court of Parliament, to have the said lands assured to the said dean and canons.

8. And that a lease of Bedwyn, now in the possession of the said Earl, should be granted by Act of Parliament for ninty-nine years to him and his assigns.

9. Whereas, one Hugh Gough, parson of All-Cannings, procured himself to be presented to the prebend of All-Cannings, being parcel of the said lands exchanged, the dean and canons exhibited their bill in Chancery against the said Gough ; and thereupon a decree was made, that the said dean and canons should enjoy the said prebend according to the first intent of the King, which they had already enjoyed for nearly fifty years.

Such being the state of the case, the petitioners besought the house for an Act, assuring to the dean and canons the grant of Edward VI, including the prebend of All-Cannings, and granting the ninty-nine years' lease of Bedwyn to the Earl. [The above claims being adjusted, the representatives of the Earl of Hertford have continued to the present day to hold the estates in question, on leases renewed from time to time. And here the responsibility of the Marquis of Ailesbury and of his ancestors terminates. But as to the after appropriation of the revenues thence derived by the dean and canons for the benefit of the poor knights aforesaid, this is a very different affair. It is a question left for the public to decide, having been now fairly brought forward by the energy of

Colonel Salwey and others, and hardly requires a notice in this place. Suffice it to say, that Sir Benjamin Hall, in his place in the house, has declared it to be "one of the grossest cases of ecclesiastical corruption ever brought before the public."—See the *Daily News*, 21st July, 1851.]

THE SEYMOURS' CLAIM TO ROYALTY.

Under the will of Henry VIII (supposing that document valid), which gave a preference to his younger sister, Mary, over his elder sister, Margaret Stuart, the Seymours had a doubtful claim on the throne of England (to that of Scotland the Tudors had no claim). And it was thus made out :—

Mary Tudor, the sister of Henry VIII and Queen of the French, married secondly, that is to say, after the death of Louis XII, Charles Brandon, Duke of Suffolk. Of their offspring, which consisted of two daughters, Frances, the elder, married Henry Grey, third Marquis of Dorset, afterwards raised by Edward VI to the Dukedom of Suffolk. He had three daughters, viz. : the celebrated Lady Jane Grey, and her younger sisters, Catharine and Mary, but of these three, only Catharine left issue. She married, as above stated (page 143), the son of the Protector Somerset, and thus carried the claim into the Seymour family.

Sir Edward Seymour, after the execution of his father the Protector Somerset, was formally deprived of the dukedom and other dignities to which he had been born heir ; but Queen Elizabeth, on ascending the throne, annulled this decision so far as to create him Baron Beauchamp and Earl of Hertford, thus reviving two of the titles which his father had enjoyed. He was at this time about twenty-one, or perhaps a year older than the Lady Catharine Grey.

Lady Catharine had, on the commencement of the new reign, been appointed to a place at Court, where also served Seymour's youngest sister, Jane, as one of the maids of honour. The intimacy between the families had already been productive of an attachment between Hertford and Lady Catharine. His sister entered deeply into the scheme ; but how to accomplish so soaring a feat as allying himself with the grand-niece of Henry VIII, without obtaining Queen Elizabeth's sanction, was a problem fraught with peril. It is true, the Duchess of Suffolk, the young lady's mother, consented to mediate on their behalf, but her death, in 1559, checked for awhile the accomplishment of their desires. In the following year Hertford suddenly disappeared from the realm, and this event was followed in the course of a few months by the death of his sister Jane. To outward appearance the connection was now severed, but time soon revealed the truth to all the Court, and Lady Catharine was compelled to admit that she had been privately married. She was instantly committed to the Tower, and her husband being summoned to return to England, was lodged in the same place. A letter, addressed to Sir Edward Warner, the lieutenant of the Tower, runs as follows :—"Ye shall," says her

Majesty, "by our commandment examine the Lady Catharine very straitly how many have been privy to the love betwixt the Earl of Hertford and her from the beginning: and let her certainly understand that she shall have no manner of favour except she will show the truth, not only what ladies or gentlewomen of this Court were thereto privy, but also what lords and gentlemen; for it doth now appear that sundry personages have dealt herein; and when it shall appear more manifestly, it shall increase our indignation against her if she will forbear to utter it. We earnestly require you to bestow your diligence in this."

As for the principals in the affair, they both declared solemnly that they were joined in lawful wedlock. The marriage, they asserted, had been performed just before Christmas, in 1560, when the Queen having gone to hunt at Eltham, Lady Catharine and Lady Jane Seymour had seized the opportunity thus presented, and, repairing to Hertford's house in Cannon Row, a clergyman was shortly in attendance, and the ceremony completed. In their examinations they both agreed in their description of the person of this functionary, though they were ignorant alike of his name and residence. He had, they said, a fair complexion, with an auburn beard, was of a middle stature, and attired in a long gown of black cloth faced with budge, with the collar turned down, after the sort as the ministers were wont to go at their first coming into the realm; in other words, as Mr. Craik suggests, he was one of the puritan divines recently returned from Germany. Lady Catharine also exhibited a ring used upon the occasion, consisting of five golden links, on four of which were engraved as many verses of the Earl's composition, expressive of his lasting love and faith. The only witness to the transaction was Lady Jane Seymour, and she was now in her grave.

The judgment pronounced at head-quarters was, that there had been no marriage in the case; and this decision was uttered in the Bishop of London's palace on the 12th May, 1562. But before this a child had been born, which was duly christened as Lord Hertford's, and received the family name of Edward. The two culprits, after their sentence, were ordered to be locked up in the Tower and sharply looked after. But, when Lady Catharine produced a second son, Elizabeth became furious. A process was raised against the Earl in the Star Chamber, which issued in his being fined £15,000, his visiting his wife being construed into "breaking prison."

From this time forward the Countess's life was a scene of bitter mortification and hope deferred. She was carried from prison to prison, and about six years afterwards died of a broken heart at Crockfield Hall, in Suffolk, the seat of her keeper Sir Owen Hopton. On the morning of her decease, she replied to his inquiries, that she was even going to God as fast as she could, and she desired him and others to bear witness that she died a true Christian, and in peace with all the world. She then said, "I beseech you, promise me one thing, that you yourself, with your own mouth, will make this request unto the Queen's

Majesty, which shall be the last suit and request that ever I shall make unto her Highness, even from the mouth of a dead woman—that she would forgive her displeasure towards me, as my hope is she hath done. I needs must confess I have greatly offended her in that I made my choice without her knowledge, otherwise I take God to witness I had never the heart to think any evil against her Majesty; and that she would be good unto my children, and not to impute my fault unto them, whom I give wholly unto her Majesty, for in my life they have had few friends, and fewer shall they have when I am dead, except her Majesty be gracious unto them. And I desire her Highness to be good unto my lord, for I know this my death will be heavy news unto him, that her Grace will be so good as to send liberty to gladden his sorrowful heart withal.” She then deposited in his hands her wedding-ring and other tokens, to be conveyed to her dear lord; and, perceiving in the colour of her nails the indications of approaching dissolution, cheerfully exclaimed, “So here he is come: welcome death.” A person present suggesting the propriety of sending to the church to have the passing bell rung (a custom by which prayers for a departing spirit were invited), Lady Catharine, overhearing him, said, “Good Sir Owen, let it be so.” Then “commending her soul to her Maker, and putting down her eyes with her own hands, she yielded unto God her meek spirit,” January 27th, 1567. This account of her trials and last illness might have been much enlarged, but enough has been given to exhibit her in her real character of a loving and simple-hearted woman. The reader is referred for amplification of details to G. L. Craik’s work, ‘The Romance of the Peerage.’

The Countess’s continual petitions to the Queen, with other efforts made in her behalf, would probably have gained her release had it not been for certain imprudent proceedings adopted by the Earl’s advisers or agents. Not content with seeking to establish the validity of the marriage, an attempt was made to disturb the succession to the throne. “Here is fallen out a troublesome fond business,” writes Cecil to Sir Thomas Smith, April 27th, 1564. “John Hales had secretly made a book in the time of the last Parliament, wherein he hath taken upon him to discuss no small matter, viz. the title to the Crown after the Queen’s Majesty;—having confuted and rejected the line of the Scottish Queen, and made the line of the Lady Frances, mother to the Lady Catharine, only next and lawful. He is committed to the Fleet for this boldness, specially because he hath communicated it to sundry persons. My lord John Grey is in trouble also for it. Besides this, John Hales hath procured sentences and councils of lawyers from beyond seas to be written in maintenance of the Earl of Hertford’s marriage. This dealing of his offendeth the Queen’s Majesty very much.” (*Ellis’s Letters*, ii, 285.)

Soon after the death of his wife, Hertford was set at liberty. He retired to his seat in Wiltshire, and atoned for the rash act of his youth by a long life of devoted loyalty, dying in 1621 at the age of eighty-three. His attention to the interests of King James, and his prompt execution of his duties as Lord Lieu-

tenant of this county, have already come under review while treating of the events of that era. His second wife was Frances Howard, third daughter of William first Lord Howard of Effingham. She died in 1598, aged forty-four. Hertford's third wife was another Frances Howard, who, though of great beauty and highly descended (being the grand-daughter of Thomas, third Duke of Norfolk), had commenced her career by marrying a London vintner named Henry Pranel. Left a young and rich widow shortly after, she had many suitors, among whom, Sir George Rodney, a gentleman of the West country, appeared to have the fairest chance. Arthur Wilson, a contemporary, describes him as "suitable to her for person and fortune, but," he adds, "Edward Earl of Hertford being entangled with her fair eyes, and she, having a tang of her grandfather's ambition, left Rodney and married the Earl" "But Rodney, having drunk in too much affection, and not being able with his reason to digest it, summoned up his sickened spirits to a most desperate attempt; and coming to Amesbury in Wiltshire, where the Earl and his lady were then resident, to act it, he retired to an inn in the town, shut himself up in a chamber, and wrote a large paper of well-composed verses to the Countess in his own blood, wherein he bewails and laments his own unhappiness; and when he had sent them to her, as a sad catastrophe to all his miseries, he ran himself upon his sword, and so ended that life which he thought death to enjoy."

The lady treated the matter with becoming composure, though its effect was not lost on her doting husband, who settled £5000 a year on her for life. At his death, she became the third wife of Ludovic Stuart, Duke of Lennox and Richmond, and was a widow again in three years.

Having thus disposed of Lord Hertford's later matrimonial schemes, it is now time to revert to the issue of his first marriage, through whom the line descended. In 1585 his eldest son Edward Lord Beauchamp privately married Honora, daughter of Sir Richard Rogers, of Brianston, county Dorset, Knight; a match which in his father's estimation was so much below his expectations that he caused him to be apprehended one day in the neighbourhood of Reading "and kept him from his wife, and his wife from him." Queen Elizabeth also expressed her displeasure that Beauchamp being of royal descent through his mother should have presumed to marry without the concurrence of herself and her council. But as experience had already shown that matters of this kind could not be much mended by coercion, a reconciliation was soon after brought about, a better proof of which could not be given than by the fact that his grandmother the Duchess of Somerset, dying in the following year, remembered him in her will as "Lord Beauchamp," and added a gift to his wife. Two or more sons were the offspring of this marriage, whose adventures constitute our next theme.

Although Hertford's conduct in this affair of his son showed that ambition was not extinct in his breast; yet, left to himself, in the enjoyment of great

riches, and retaining a wholesome recollection of the penalties visited on his own youthful aspirations, he would probably never again have paraded the dangerous honours of his house. Strange to say, in his old age, trouble came upon him from this very quarter, through a marriage extremely similar to his own, which was perpetrated by one of his grandsons; the course of events out of which it arose being as follows:—

The posterity of Margaret the wife of James IV of Scotland, and elder sister of Henry VIII, have reigned over these realms ever since the death of Elizabeth.

But Margaret had also a daughter by Archibald Douglas, sixth Earl of Angus; and though a legal sentence dissolved the marriage, the child retained her father's name and was brought up in Henry VIII's court. In 1544 Henry bestowed her in marriage on Matthew Stuart, Earl of Lennox, a Scottish nobleman in his interest, then resident in England.

Now, it was not difficult to predicate that the Countess of Lennox, who had been born in England, might some future day (that is to say, on the death of Elizabeth) appear in the eyes of the English nation as a rival whose claims might almost balance those of Mary Queen of Scots, though the latter was descended from Queen Margaret's first husband. But rival claims, whether able to stand alone or not, the owners felt might probably be strengthened by fusion. Such, therefore, was the policy pursued. Lady Lennox's eldest son, Lord Darnley, was married to Mary Queen of Scots, and the offspring therefore united in his person the rights of both parties. This child was James, afterwards King of England.

The Stuarts' principal remaining rivals in the succession to the English Crown (not the Scottish) would now be the representative of Mary Tudor, viz., Lord Beauchamp, son of the Earl of Hertford by Catharine Grey; or, putting him aside on the ground of his parents' annulled marriage, then the representative of Mary Tudor's youngest daughter. And that the Seymour claim was something more than a mere shadow, we have the authority of Sir Harris Nicolas, who remarks, that "for nearly twelve months after James's accession to the English throne, the statutes (then the law of the land) vested the legal right to it in Lord Seymour, as heir of the Duchess of Suffolk, the youngest sister of Henry VIII. The title of James was not acknowledged and confirmed by Parliament till March, 1604." (*Church of England under the Stuarts*.)

After Darnley's murder, and his father Lennox's death, Darnley's brother Charles was made fifth Earl of Lennox, and married Elizabeth Cavendish, daughter of the Countess of Shrewsbury. One child was born; immediately after which the young Earl sickened and died. This child was the Lady Arabella Stuart, who, as first cousin to James I, occupied a distinguished position at his Court, as she had previously done in that of Queen Elizabeth. It was a long-discussed question how to appoint her in marriage; till after waiting many years, she took the matter into her own hands, and proposed to the

Earl of Hertford a marriage with his eldest grandson. In her own right, contingencies might pave her way to the throne. Her mother's legitimacy no one doubted; and were James to die without issue, she was the lineal heir after Elizabeth. For a considerable period, in fact, viz., from the death of Mary Stuart, in 1587, till the birth of Prince Henry (James's eldest son) in 1594, only the life of her cousin, the Scottish King, stood between her and the succession to the Crown of both realms.

During this interval she was, as may be supposed, an object of especial interest in various quarters. A letter received by Burghley from the old Countess in September, 1592, has preserved an interesting memorial of the manner of life that she and Arabella then led together at Hardwick, from which place the letter is dated. Burghley had written to the Countess, giving her warning of certain Popish emissaries, who were suspected to be lurking in the neighbourhood of her residence. "My good lord," she says, "I was at the first much troubled to think that so wicked and mischievous practices should be devised to entrap my poor Arbell and me; but I put my trust in the Almighty, and will use such diligent care as I doubt not but to prevent whatsoever shall be attempted by any wicked person against the poor child." "I will not have any unknown or suspected person to come to my house. Upon the least suspicion that may happen here any way, I shall give advertisement to your lordship. I have little resort to me: my house is furnished with sufficient company [that is, of servants]; Arbell walks not late. At such time as she shall take the air, it shall be near the house, and well attended on. She goeth not to anybody's house at all: I see her almost every hour in the day; she lieth in my bedchamber." (*Ellis's Second Series of Letters*, iii, 165-168, as quoted by G. L. Craik.)

Such being the young lady's position in her own personal right, it probably occurred to her that union with Hertford's family would add the weight of the Tudor influence to her own; and (as in the case of her uncle Darnley's marriage with Mary Queen of Scots) rivalry of claim would be merged in community of interest. But her chances for the Crown, supposing her heart to have been ever set upon it, disappeared as James's family came on; in spite of which she still appears to have been bent on an alliance with Hertford's family; and, after the old Earl had opposed her marriage with his eldest grandson in 1603, she contrived in 1610 to wed William Seymour the next in age. She was then about three or four and thirty, considerably older than her husband. Their first interviews are stated to have taken place (amongst others) at a Mr. Baynton's. After the consummation of their marriage, which was privately performed in the Lady Arabella's chamber in the palace at Greenwich, they were both ordered into close custody, the lady at Lambeth, the husband to the Tower. In this latter fortress, "the learned and intrepid Presbyterian divine, Andrew Melvil, recently shut up for an irreverent expression he had dropped touching the altar in the royal chapel, welcomed the new comer with the well-

known epigram, which would alone have sufficed to fix the accepted form * of the lady's name." (*Romance of the Peerage*.)

"Causa mihi tecum communis carceris ; Ara
Regia bella tibi, regia sacra mihi."

This couplet is otherwise rendered both by Burke in his 'Anecdotes of the Aristocracy,' and by G. P. R. James, in his 'Romance of Arabella Stuart,' being as follows :—

Communis tecum mihi causa est carceris ; Ara
Bella tibi causa est ; araque sacra mihi.

After remaining in prison for a few months, and the fact coming out that they interchanged communications, it was resolved to widen the distance between them, and to this end the lady was ordered into the custody of the Bishop of Durham ; but on her way thither she fell ill at Highgate, and the interval thus occasioned was improved by concerting with her husband a plan for simultaneous escape and reunion. Her own part in the tragedy was commenced "by drawing a pair of great French-fashioned hose over her petticoats, putting on a man's doublet, a manlike peruke with long locks over her hair, a black hat, black cloak, russet boots with red tops, and a rapier by her side." Thus disguised she walked unsuspected out of the house in company with a Mr. Markham, and reached a small inn where horses were in waiting. Though convalescent she was still in a very weak state, which occasioned the ostler who held her stirrup to remark that "the gentleman would hardly hold out to London ;" but, "being set astride in an unwonted fashion, the stirring of the horse brought blood enough into her face, and so she rode on towards Blackwall." Here they found their associates in the plot ready with boats to carry herself and her luggage to a French vessel which was lying off Gravesend ; but Seymour had not arrived. He in like manner effected an easy escape from the Tower by means of a partial disguise, but was too late for the French vessel. He therefore hired a Newcastle collier, which fortunately came in sight, to carry him across to Ostend for £40. He remained in safety abroad for some years.

With the fair Arabella it fared otherwise. Immediately on their escape becoming known, an English vessel was sent in pursuit, which was not long in discovering the Frenchman lying at anchor and waiting for Seymour. The fugitives made sail for Calais, and stood thirteen shot before striking. The unhappy lady on again becoming a prisoner expressed concern only for her husband's safety. She was fated never to see him again ; but, after pining in confinement at the Tower for four years, died there at the age of thirty-nine.

It cannot fail to strike the reader what a remarkable resemblance this

* The present "accepted form," differing from the original, which was Arbella.

adventure bears in many of its details to the preceding affair in which the Earl of Hertford had been involved in his own youth with Catharine Grey. To whatsoever extent he may have privately sympathized with the young people when he first heard of their marriage, he could not of course countenance the flagrant aggravation of their offence incurred by the attempt to quit the realm. The news of his grandson's escape from the Tower fell like a thunder-bolt upon him. He was then resident at one of his country seats, and the information was sent him by Francis Seymour his youngest grandson, in a letter dated from Hertford House, Cannon Row, which arrived at Letley at a late hour of the night, and threw the aged Earl into such a state of alarm, that, judging by the accident which befel the letter (for it is still preserved among the Harleian MSS., No. 7003, in the British Museum), he appears to have set it on fire by the candle which he held to read it. After a sleepless night he lost no time in transmitting the document to the lord treasurer, accompanied with the following statement explanatory of his own views:—

"To my very good Lord the Earl of Salisbury, Lord High Treasurer of England:—

"MY LORD—This last night at eleven of the clock, ready to go to bed, I received this letter from my nephew Francis Seymour, which I send your lordship here enclosed: a letter no less troublesome to me than strange to think I should in these my last days be grandfather of a child, that instead of patience and tarrying * * * leisure (lessons that I learned and prayed for when I was in the same place whereout lewdly he is now escaped), would not tarry for the good hour of favour to come from a gracious and merciful King, as I did, and enjoyed in the end (though long first) from a most worthy and noble Queen, but hath plunged himself further into his Highness's just displeasure. To whose Majesty I do by these lines earnestly pray your lordship to signify most humbly from me, how distasteful this his foolish and boyish action is unto me; and that, as at first upon his examination before your lordships and his Majesty afterwards, nothing was more offensive unto me, misliking altogether the unfitness and inequality of the match, and the handling of it afterward worse; so do I condemn this as worst of all in them both. Thus, my lord, with an unquiet mind to think (as before) I should be grandfather to any child that hath so much forgotten his duty as he hath now done; and having slept never a wink this night (a bad medicine for one that is not fully recovered of a second great cold I took), I leave your lordship with my loving commendations to the heavenly protection. From Letley, this Thursday morning at four of the clock, the 6th of June, 1611. Your lordship's most assured loving friend,

"HERTFORD.

"*Postscript.*—As I was reading my said nephew's letter, my sise [taper] took, as your lordship may perceive, into the bottom of the letter; but the word missing that is burnt is '*Tower to acquaint.*'"

These ardent asseverations on the part of the Earl were hardly needed, for

no suspicion of connivance appears to have lain against him. Whether or not he really so very much "misliked the unfitness and inequality of the match," is a point which may surely admit of a courteous demur. His conduct in regard to the marriage of his son Lord Beauchamp (already recited), to say nothing of his own connection with royalty, are alike evidence of "aspiring blood." The rest of his days he passed in outward prosperity and peace, though not without a due share of domestic trouble. The death of his son Lord Beauchamp, which occurred at Wick near Great Bedwyn in 1612, proved a heavy affliction to him. He also outlived his eldest grandson Edward, and his only great-grandson, another Edward. His heir apparent was now, therefore, William, his second grandson, the same who had married the Lady Arabella Stuart and was in exile at the time of his father Lord Beauchamp's death. Returning into England in 1616, on the death of his wife, William was restored to King James's favour, was created a Knight of the Bath, and by the course of events just narrated, found himself in a few years in possession of his grandfather's title and estates.

In the early part of James's reign the old Earl had revived the question of his marriage with the Lady Catharine Grey, and sought, after a lapse of forty years, to reverse the sentence of illegality; but various obstructions being thrown in his way, his son, Lord Beauchamp, took out, in 1608, letters patent, entitling him to succeed his father as Earl of Hertford, thus abandoning his claim to the Dukedom of Somerset. This was, it must be confessed, but a half-measure, and did not constitute that full ratification of Catharine Grey's good fame which the memory of that excellent lady challenged. But it was apparently all that could be done by her relatives, or expected from her successful rival the Prince *in esse*. It is worthy of remark, that the validity of her marriage was, after all, acknowledged and legalized by Charles II at the period of the Restoration in 1660, when he elevated William Seymour (then Marquis of Hertford, and the same who had married Arabella Stuart) to the Dukedom of Somerset, by a special Act of Parliament expressly recognizing him as the heir of his great-grandfather the first Duke of Somerset. This is the Marquis of Hertford so celebrated for his loyalty to the first Charles during the Civil Wars. His second wife was Frances Devereux, sister of Lord Essex the Parliamentary General against whom he so long drew the sword. By this lady he had five sons and four daughters. The eldest of the latter, who died unmarried, was named Arabella, in memory of his first love. Of his sons, Henry, Lord Beauchamp, died in the lifetime of his father, having had issue William (4th Duke), and a daughter, Elizabeth, married to Thomas Bruce, second Earl of Ailesbury, ancestor of the present Marquis of Ailesbury, who, through this marriage, possesses Tottenham Park and Savernak Forest.

In place, therefore, of tracing any further the dukedom of Somerset, we are now led into the family history of the house whose influence still presides at Marlborough.

The issue of the said Thomas Bruce, Earl of Ailesbury, by Elizabeth Seymour, were the two following :—

CHARLES, fourth Earl of Elgin and third Earl of Ailesbury ;

ELIZABETH, who married George, third Earl of Cardigan.

The Earl married secondly, Charlotte, Countess of Sannau, in Brabant, of the house of Argenteau, and by her, who died 1710, he had an only daughter, Charlotte Maria, who having married Count Horn a prince of the empire, had five children, the youngest of whom, viz., Louisa Maximiliana, Princess of Stolberg Gædern, became the wife of Prince Charles Edward commonly known as the "Young Pretender." Refusing to take the oaths to King William III, he was compelled to reside abroad ; and it was during his abode at Brussels that his second marriage occurred. He died at the age of 85, in November, 1741. (*See page 345.*)

CHARLES, third Earl of Ailesbury and fourth Earl of Elgin, son and heir, summoned in the lifetime of his father as Lord Bruce of Whorlton, married first, Anne, daughter and co-heir of William Saville, Marquis of Halifax, and by her, who died in 1717, had issue,

ROBERT, who died in the lifetime of his father.

MARY, who married, 1728, Henry Brydges, second Duke of Chandos.

He married, secondly, Juliana, daughter of Charles Boyle, Earl of Burlington ; and, thirdly, Caroline,* daughter of John Campbell, Duke of Argyll, and of the latter marriage had issue one daughter, Mary, married, 1757, to Charles, third Duke of Richmond, but died without issue. Failing therefore male issue, the Earl was created, 1746, Baron Bruce of Tottenham, with a special entail to Thomas, fourth son of his sister Elizabeth the Countess of Cardigan. By the Earl's death, therefore, the Earldom of Ailesbury, the Viscounty, and the Baronies of Bruce of Whorlton, and of Skelton, expired. The Earldom of Elgin, and the Barony of Bruce of Kinloss, devolved to the heir male, Charles, ninth Earl of Kincardine ; while the Barony of Bruce of Tottenham, alone descended to his nephew.

THOMAS BRUDENELL BRUCE, who succeeded his maternal uncle in 1747, was created Earl of Ailesbury in 1776, having previously taken the name of Bruce in addition to that of Brudenell. He married, 1761, Susanna, daughter of Henry Hoare, of Stourhead, Esq., widow of Charles Boyle, Viscount Dungarvon, by whom he had issue,

GEORGE, Lord Bruce, born 1672, died 1733.

CAROLINE ANNE, born 1763.

FRANCIS ELIZABETH, born 1765, married 1799, to Sir Henry Wright Wilson, of Crofton Hall, Yorkshire, and Chelsea Park, Middlesex, Knt.

* This lady outlived her first husband the Earl of Ailesbury, and married, secondly, Field-Marshal Conway,

by whom she became the mother of the Hon. Mrs. Damer, the sculptor.

CHARLES BRUCE BRUDENELL, born 1767, died 1768.

CHARLES BRUDENELL, Lord Bruce, born 1773, created Marquis of Ailesbury in 1821: of whom presently.

His lordship married, secondly, 1788, the Lady Anne Elizabeth Rawdon, eldest daughter of John, first Earl of Moira, but by her, who died 1813, had no surviving children. He died 19th April, 1814, and was succeeded by his son.

CHARLES BRUCE BRUDENELL-BRUCE, Marquis of Ailesbury, 1821, K.T.; Earl of Ailesbury, 1776; Earl Bruce, 1821; Viscount Savernak, 1821; Baron Bruce of Tottenham, 1746; Hereditary Ranger of Savernak Forest. This nobleman was born on the 14th of February, in the year stated above, 1773. His education commenced under the surveillance of an eminent scholar in the neighbourhood of London; but his health, which appeared at that time to be delicate, becoming in consequence a cause of great anxiety and apprehension to his father (whose only son he became in 1783, by the death, at Nice, of George, Lord Bruce, who had just passed his 21st birthday), it was determined that the studies of this last stay to the House of Bruce should be completed in the milder climate of the continent. The young nobleman accordingly proceeded, in company with the Rev. Thomas Brand, M.A., who was appointed his tutor, to the University of Leyden. Here he assiduously availed himself of the means of self-culture placed within his reach; and preferring, after the lapse of some years, to enlarge still further the scope of his observations before returning home, he visited several of the European states, including Italy and Sicily. He returned to England in 1795; and, in the following year, when twenty-three years of age, took his seat in the House of Commons as member for the borough of Marlborough, which he continued to represent till his succession to the peerage. Throughout his protracted public career his lordship has been an uniform adherent of the policy and principles which he early professed. Although never taking a prominent part in the legislation of the country, the political consideration which he has enjoyed among his party has not been small. His judgment was known to be deliberate; his fidelity constant; his character unassailable. If unqualified approval of his lordship's political creed be inconsistent with the tenor of the historical work in which this brief sketch finds place, that very circumstance, instead of repelling, seems rather to invite an honourable tribute of a more private kind. Such, therefore, is the following, which, though professedly given at second-hand, the writer has no reason to suppose is overcharged:—"Whether viewed within the limits of the domestic circle, or in the wider scene of general society,—whether we consider his uniform kindness as a landlord, or his earnestness in forwarding the interests of religion and universal benevolence,—it will be acknowledged that in each of these relations he is entitled to an honourable distinction. And it would be difficult to select among them the one in which more eminently than the rest is displayed the amiability of his disposition."

The Marquis of Ailesbury has been twice married: first at Florence, in 1793, to the Hon. Henrietta Maria Hill, eldest daughter of Noel, first Lord Berwick; and, secondly, 20th August, 1833, to Maria Elizabeth, daughter of the Hon. Charles Tollemache, and granddaughter of Louisa, Countess of Dysart. By the first marriage his Lordship has issue two sons, viz. George William Frederick, Earl Bruce, summoned to the House of Peers, in 1838, in his father's barony of Bruce of Tottenham; and the Right Hon. Lord Ernest Charles Augustus Bruce, P.C. and Vice-Chamberlain to Her Majesty, and M.P. for Marlborough. Also one surviving daughter, the Lady Augusta Wentworth. By the second marriage he has one son, Lord Charles William Bruce, now of Christchurch, Oxford.

Through the earldom of Elgin, Lord Ailesbury traces his descent from the renowned Robert Bruce. Two or more swords are still preserved at Tottenham House, attributed respectively to Bruce and Wallace, one of which is of undoubted antiquity—not so the blade engraved with a couplet. A description of the extraordinary roll called “the Seymour pedigree” would require a volume to itself. But in truth the documentary wealth and archaeological memorabilia enshrined in the archives of Tottenham House are boundless. It is hardly necessary to say that the “Forest Records,” given in the present History, are meagre indeed when compared with the illustrations which might be furnished from that repository. A mere reference to some of them will confirm this statement. Grant of pardon to Harden in 1198—Restoration of the forests to Henry Esturmy, 33d Edw. III.—Pardon to Henry Esturmy, 8d Rich. II.—Letter of Edward IV to John Seymour, to take care of the game—Esturmy's eviction by the Duke of Gloucester, and praying restitution; patent of restitution annexed, 1421—Letter of attorney to deliver possession of Burbage and Savernak, from the Bishop of Winchester and others, to John Seymour, 1427—Appointment by the Marquis of John Popham of Littlecot, to be ranger and forester, 1636.

Lord Ailesbury has been influential in the erection of various churches on his Wiltshire estates. In April, 1844, the Bishop of Salisbury consecrated the new church of St. Nicholas, at East Grafton, when the deeds of conveyance having been presented by his lordship, the service was read by the Rev. John Ward, vicar of the mother-church of Great Bedwyn, assisted by the Rev. Henry Ward, incumbent of the new church. Various parts of the furniture of the church were presented by different individuals, Dr. Merriman, the Countess Bruce, Lady Ailesbury, and others. The font, copied from that of Welford, county Berks, was a gift from the vicar's children. This beautiful church, executed by Mr. Lloyd, of Bedwyn, was designed by Mr. Benjamin Terry. It is in the revived Norman style; and the principal or west front may be described as a simplified copy of that of Castle-Rising, in Norfolk. The fabric probably occupies the exact site of a former chapel of St. Nicholas, destroyed, from what cause unknown, ~~and a parish~~.

During the present year, 1853, the house of Bruce has contributed £1100 towards the rebuilding of churches in the neighbourhood of Tottenham Park, viz., £500 towards the restoration of the parish church of Great Bedwyn, £400 to Burbage church, and £200 to Preshute. At their sole expense, a new church has also arisen at Cadley, a hamlet in the forest.

In September, 1844, a fire broke out on the farms of Messrs. Edwards and Batt, at Wilton, near Bedwyn. The Marquis of Ailesbury, aided by all the efficient hands of his household, were speedily on the spot and plying the Tottenham Park engines; but the dwelling-houses only were saved.

The Marquis of Ailesbury died in Jan'y 1866, & was succeeded by his eldest Son.
SEYMOUR LETTERS (page 144.)

The next three letters are specimens of the correspondence between Lord Hertford and the deputy-lieutenants of the county, still preserved in the British Museum Library.

"To my very loving friend Sir James Mervin, Knight.

"I received this day fortnight by my cousin, Sir Thomas Gorges, a strange message, which he told me was from you, in the behalf of your son-in-law Sir Thomas Thynne, namely, that he neither intended nor would perform the service as Colonel now at the musters which (at your desire first, and for his better continuance and better enabling him to serve his Majesty hereafter) I laid upon him. I marvel that your years and gravity could not divert him from so peremptory and undutiful a resolution, which, before myself, Sir Thomas Gorges, yourself, and Sir William Eyres, deputy-lieutenants, with other justices of the peace, he feared not to aver, with many idle words used at the same time, which I was the better pleased to bear with because I hoped he would long before this have come, and before me and the rest of you have confessed his fault. But since he hath not so done, let him understand that for the King's service I bid him not to fail to send his lieutenant with his company to the musters which shortly do begin, as you know. And albeit he be Sheriff, which was one of his pretended excuses, besides his poverty, which he alleged, let him not fail to send, unless he mean to provoke me to lay open his said wilful peremptory refusal. I would be sorry so to do, knowing he is not able to answer so high a contempt. I discharged Alexander Staunter last year from being a captain, whom I understand you have now sent unto without my privity; I have sent my letter to Mr. John Hargill to take the place. And thus with my loving commendations to yourself, I take my leave.

"Your loving friend,

"HERTFORD.

"From my house at Easton, the 18th Sept., 1608."

Sir Thomas Thynne was about this time engaged in carrying on the erection of the mansion at Longleat, which his grandfather had commenced. The excuse of poverty, therefore, which he set up, and which Lord Hertford seemed

to recognize as not altogether unfounded, was, probably, owing to the vastness of the design, which had already consumed several thousands.

"To my very loving friends the Deputy-Lieutenants and Justices of Peace of the County of Wilts, at Marlborough: These,

"After my hearty commendations, these are to remember you, that about three years sithence, I recommended unto your considerations, by my letters, the necessary employment of this bearer, Hercules Staunter, for Muster-master, desiring you then to settle a reasonable entertainment fit for such an officer. Whereupon it was agreed by as many of the deputies and justices as were then present at the sessions (being held at Marlborough), that at every yearly muster, or view, there should be collected of every armour within the trained-bands, fourpence; which course hath been assayed to be effected, but much of it was then not only neglected and not at all paid, but it is also found to be, by reason of such slow collection, a stop and hindrance to the execution and advancement of the said service. Therefore I earnestly entreat you that some such course may be presently considered of as may make this said bearer more assured of his means henceforth. For which you shall not only bind him, but make me very thankful to you for the same. Thus, very lovingly, I take my leave.

"Your very loving friend,

"HERTFORD.

"From Amesbury, this Monday, the last of September, 1611."

"To the Right Hon. our very good Lord the Earl of Hertford, his Majesty's Lieutenant for this County of Wilts:

"May it please your good Lordship, we are very inclinable to satisfy your Lordship's desire mentioned in your Lordship's letter for the payment of £40 yearly unto the Muster-master, according to an order conceived on that behalf. But forasmuch as your Lordship desireth a certainty for the payment thereof, we must entreat your Lordship that we may have time to treat with the country on that behalf, with whom we have no doubt but that we shall so far prevail by our persuasions as that they will willingly condescend thereunto; wherein we will use our best endeavours with all convenient speed. And so with remembrance of our humble duties we take our leave. From our sessions at Marlborough, the second day of October, 1611.

"Your Lordship's humbly to be commanded,

"HENRY BAYNTON.	HENRY POOLE.	JOHN LAMBE.
THOMAS SNELL.	ANTHONY HUNGERFORD.	THOMAS SADLER.
GEORGE IVIE.	THOMAS HYNTON.	ALEXANDER TUTT.
HENRY MARTYN.	THOMAS BASKERVILLE.	JOHN AYLIFFE.
EDWARD LONG.		

"Received at Amesbury, Friday, the fourth of
Oct. 1611, by Hercules Staunter."

The following letters require no further comment than the simple statement that they refer to the events mentioned at page 389,—Lord Hertford's leaving Marlborough as a residence, the conversion of the house into an inn, the death of the Earl, Sir Hugh Smithson's succession to the title and estates, and the Marquis of Granby's inheritance. They are addressed to Michael Ewen, Esq., their Lordships' steward in Wilts.

[Michael Ewen was one of the nephews and executors of Judge Foster, his father Roger Ewen, of Draycott Foliot, Esq., having married Sarah Foster. Their only surviving son, Michael, clerk of the peace for the Counties of Wilts and Somerset, appears to have lived first at Marlborough, though he subsequently belonged to Milton Lislebon, county Wilts. He married, 1744, Priscilla, daughter and coheir of John Smith, of Alton Priors, Esq., and died at Milton, *s. p.*, in 1782.]

"Percy Lodge, 7th April, 1745.

"SIR,—As I shall be very little at Marlborough for the future, I am unwilling to be at the expense of my garden; so I have agreed with Simmons that he shall keep the garden for the profit he can make of it. Therefore I desire you will, out of the first moneys you receive from my tenants, pay him what is due to him to Lady-day last; and likewise to pay the two old men that worked in the garden each half-a-crown per week, as charity; and the two women each one shilling per week.

"I am your humble servant,

"HARTFORD.

"To Michael Ewen, Esq., at Marlborough,
Wiltshire. Free—Percy."

"19th January, 1749.

"SIR,—I am much obliged to you for the favour of your letter, and am fully of your opinion that the Duke has an undoubted claim to the remaining £500 from the death of the late Duchess; and I should even think it might be extended farther, for which I will give you my reasons whenever you will allow me the pleasure of seeing you. And I assure you, it is a great satisfaction both to Lady Betty and to myself that the Duke has placed his affairs in your hands, who, we are confident, will omit nothing that may tend to his interest and advantage. And you may depend upon my taking every opportunity of showing you that

"I am, Sir, your most sincere friend and humble servant,

"HUGH SMITHSON.

"To Michael Ewen, Esq."

"From Lady Somerset (better known as Lady Hertford).

"Percy Lodge, 5th Dec. 1749.

"SIR,—Though I wrote to you by the last post, I find it is absolutely necessary to do it again to-day, as I find it is the opinion of Sir Hugh

that I am willing to give a little longer time for searching for the counterparts; after which, if they are not produced, I shall proceed to get possession of those estates. I would by no means have you receive the chief-rent for the farm at Pewsey, as I have that matter now under consideration. Only, I want the present lease, as also the preceding one, in order fully to determine that point. If they are in the country, pray send them to Northumberland House by the first opportunity. As I cannot find Mr. Metcalf's letter [guaranteeing the rent at Marlborough], I fear it will be impossible to make him stand to his agreement; but there is a person of credit and substance, who has made proposals for taking the house upon the same terms that Cotterell held it upon; which, if the rest of the parties concerned approve of, I shall readily consent to, as I do not see how the house can be employed to any better purpose.

"I am, your humble servant.

"NORTHUMBERLAND."

"London, 6th Feb. 1753.

"SIR,—I have given this letter to Mr. Smith, the person who proposes to take a lease of the house at Marlborough. You will therefore assist in making an agreement with the assignees of Cotterell for such part of the furniture as he may want, and acquaint him with such other matters as shall be proper to inform him of, that he may be enabled to give us a final answer.

"I am, Sir, your very humble servant,

"NORTHUMBERLAND.

"To Michael Ewen, Esq., at Milton, near Pewsey, in Wiltshire."

"Petworth, 24th July, 1754.

"SIR,—I received your letter two posts ago, but having had my house full of company, had no time to answer it till now. As to the annuity which was payable to my aunt out of the estates which are undivided between Lady Granby, her sister, and myself, it will certainly be the intention of those ladies, as it is mine, that her Grace's executors should be paid their due as soon as there is money for that purpose, and a very short inspection of the settlement will adjust that matter. As you say you have no money produced from the estates, nor shall have till after Michaelmas, there is time enough to look into the deeds. As to your being continued steward and receiver of the estates, all that I can say (as I am only one of three) is, that I have no objection to it, and suppose neither of the parties concerned with me will have any. I believe it will be necessary that the tenants of the house at Marlborough, and the tenants of the four farms, which are come to us immediately upon her Grace's death, should attorn tenants to us. If so, you will take those attornments, and perhaps you have done it already. It will likewise be quite expedient that the doubts upon two or three small parcels, whether they belong to Lady

Northumberland as heir-at-law, or to us under the settlement, should be now cleared up as soon as possible, that we may know to a certainty what our estate is.

"I am, Sir, your humble servant,
"EGREMONT."

"Petworth, 26th June, 1757.

"SIR,— As I have not my survey books here, I cannot compare the proposals you enclose with them; but as Lord Granby and Lord Guernsey have approved of them, I do so too; and by the comment upon every item which is written in your own hand, I think all the bargains you have made very good ones for us. So you will prepare the leases accordingly. I shall be very glad to see you here, not only to execute the leases but to show you the alterations in this place since you were here last."

"I am, Sir, your humble servant,
"EGREMONT."

"P.S.—On the other side I have written a venison warrant, which you will tear off, and send to Witham, when you please, this season."

SINGULAR MODE OF MAKING BURGESSES, VIZ., BY A RIDE FROM CALNE TO OGBOURN (page 351.)

Calne, Cauna, or Colonna, one of the most antient boroughs in the realm, returning members to Parliament from the earliest recorded period (with some intermissions), and holding its own court-leet under the presidency of its "Steward," appears to have managed its domestic matters without the paternal aid of a corporation till somewhere about the 16th century, when the inhabitants caught the infection from the example of kindred communities around them. It is certain, at least, that between the reign of Queen Elizabeth and that of Charles II, a portion of the burgesses had, in some way or other, assumed to be a corporation; and in the latter reign a *quo warranto* was filed against them to prove their claim to such title, as also their right to admit non-residents to burgessship. Judgment was recorded against them; and James II gave them a new charter, which they never acted on. In short, they never were a corporation till the period of Lord Grey's Reform Bill.

In 1710 this borough (as often previously) was once more before committee, when the corporation was mentioned; and, what was certainly a novel admission, it came out that its members were sworn at Ogbourn Court, a village about thirteen miles distant. This it was impossible to attribute to any corporate right or obligation, for Ogbourn itself was not a corporate place; and that the swearing at that court should constitute members of a corporation at Calne was, we might naturally suppose, too absurd and anomalous to be supported even by lawyers who were accustomed to hear of the endless diversity of qualification prevailing in different boroughs. This ceremony of swearing at

Ogbourn being the only title to admission set up, would appear, in fact, to be fatal to the existence of a Corporation at Calne. But as victory generally inclined to the side of the select bodies, standing on what basis soever they might, the plea was admitted; and all that remains for us to notice are the historical facts of the case, giving birth to so unusual a precedent.

In the reign of Henry VIII, an exchange being made of some of the lands belonging to the Duchy of Cornwall, Calne was directed to be held of the manor of Wallingford, of which Ogbourn was a part, and therefore it is clear that the householders at Calne owed suit at the Court of Ogbourn, not as burgesses, but as tenants of that manor. Their doing fealty there had, in fact, no connection either with their burghership or any supposed corporate character. In other words, Ogbourn Court, so far as it regarded the people of Calne, was a Court-baron and not a Court-leet, inasmuch as they, not being residents within its jurisdiction, could not owe suit and service there as such.

The committee decided the right of election to be in the "Inhabitants of the borough having a right of common, and sworn at Ogbourn Court."

But, in 1723, the same question coming again before the House, the votes were declared to be in "The antient burgesses of the borough only."

So that the only question remaining for proof was, Who were the antient burgesses of Calne?

In that state the question came again before a committee in 1830, and statements of the right being required, the petitioners delivered them as being in "The antient burgesses only, being the inhabitant householders, resident, and duly sworn;" the sitting members, that the right was in "The antient burgesses only," meaning thereby the select body of the corporation. The committee determined that both definitions were wrong; and by substituting one of their own, namely, that of "Burgesses elected and sworn according to antient custom," confirmed the sitting members: certainly an extraordinary decision; for the "antient custom," or leet, having been long abandoned, the sitting members were returned by a corporation whose existence the committee ignored; and if their decision had any reference to the swearing at Ogbourn Court, this also was untenable ground, because Calne sent members to Parliament for centuries before it belonged to the manor of Ogbourn. The remark is obvious: had Calne retained its own antient court-leet, none of these confusions would have arisen.

ANECDOTES IN NATURAL HISTORY AND SPORTING.

John Aubrey, when adverting to the natural productions of this district, extols with appropriate fervour the trouts of Marlborough, but expresses a still more unqualified approval of the eels. For other of his remarks on this and kindred topics, see page 74. The following anecdote belongs to a more recent period.

"The preserve at Littlecote, the seat of Mr. Popham, has always been famous for its trout fishery. The fish were confined to a certain portion of the river by grating, so that a fish of moderate size could not escape. To the preserving and fattening these fish much trouble and expense were devoted, and fish of seven and eight pounds weight were not uncommon. A gentleman at Lackham, in the same county, had a favourite water spaniel that was condemned to suffer death for killing all the carp in his master's ponds, but was reprieved at the desire of Mr. Popham, who took charge of him in the belief that so shy and swift a fish as a trout was not to be caught by a dog. But in this he was mistaken, for the dog soon convinced him that his largest trout were not a match for him."—*From the MS. of the late Colonel Montagu, quoted by Mr. Yarrell in his admirable work on British Fishes.*

THE FOX'S LEAP.—Thomas Smith, Esq., for some time master of the Craven, afterwards of the Stychly hounds, has a picture in one of his books of a fox dropping twenty-seven feet from an oak in Savernak. The fox tells his own story, of which the following is an abridgment :—

"I was born and bred in Savernak Forest, in the Craven Hunt, where my father and mother had been considered of some importance, having often beaten a famous pack. To the best of my recollection, the first pack of hounds by which I was hunted belonged to Mr. J. Ward. From them I had many narrow escapes which I now set down to their immense size; for although they could and did hunt me in an extraordinary manner, and pursued me closely in the flat country and in the forest, yet I found that I left them far behind when running over the flinty hills which separate that country from Mr. Assheton Smith's. Their steady style of hunting made it difficult to shake them off elsewhere. Afterwards I was hunted by them when they belonged to Mr. Horlock. The following year I was surprised by hearing the voice of another strange huntsman. Soon after I had moved from my kennel, a single hound threw his tongue; Mr. Smith gave a loud cheer, and every hound appeared to be at once running on the scent. This so frightened me, that I lost no time in leaving the covert, and taking my way straight to the Forest, where other foxes being soon moved by hearing the hounds, I escaped. Not feeling quite safe, I resorted to a plan which had before been adopted by other foxes. I crawled up a large oak, by means of the ivy, and from this place frequently watched the horrible hounds. But one day, as I turned my head towards where they were killing a fox in a wood close by, a keeper who, in passing the tree had seen me, told the Lady Elizabeth Bruce where I was. Mr. Smith declared that though the hounds had had a hard day's work, the fox should be dislodged if her Ladyship wished it. To my horror the keeper brought the hounds straight to my tree, and pointed to the spot where I lay as close as I could. As soon as they were taken away to a considerable distance and out of sight, the keeper was desired to climb the tree and bring me down. I did not move till I saw his hand close to me,

when I sprang from my lofty nest, and the fall being broken by some projecting branches, I reached the ground, from which I rebounded, I think, some feet. Though much shaken, I was soon on my legs, and away across the Forest, for the Westwoods, about three miles distant. The hounds were only half a field distant from me when they saw me enter that immense covert; but as several foxes were soon moving, I escaped, and the hounds were kept running till it was nearly dark. I have since heard that the height from which I jumped was measured, to decide a bet, and found to be twenty-seven feet. It was a strange adventure, but can be attested by many who saw it; and with this I conclude my story."—(*Life of a Fox*.)

THE WILTSHIRE GREYHOUND, which is the very opposite of the Newmarket dog, is a small, muscular, compact animal, more like a terrier than one of Lord Stradbroke or Mr. Fyson's kennel, but showing more speed than would be expected from his appearance, with untiring energy, and great working powers, which are of a totally different style to those of the open, speedy, racing animal. From his width of breast and back he is able to stop himself easily, and come round at any angle, and he then shoots out again like the pellet from a boy's pop-gun. By this peculiarity of form, with a short running yet strong hare, such as are often found in Wiltshire, he is capable of showing to great advantage, but in going through a stake he is apt to meet with a straight-backed puss, and then he is almost sure to be put *hors de combat* by a speedier antagonist.

Many of these little greyhounds have won large stakes, not weighing more than from thirty to thirty-five pounds. Mr. Hole's Alacrity was not more than twenty-eight pounds; and little Vic and Magic were not much more. But the Wiltshire coursers are beginning to find out that a good big dog will always, and in all countries, beat a good little one; but as there is much difficulty in getting a really stout dog of great size, the little one will oftener win in Wiltshire than in other counties. But it must be remembered that the Wiltshire country and the Wiltshire hares are both materially affected by the recent change in the agricultural management of the Downs. These are now much broken up, and the course is necessarily often over arable land, or even in turnips. Besides this, the superior food afforded by seeds and other green crops has enlarged the size of the hares now found on the Downs, and consequently they are really faster than the old hare of the district, which was often only five pounds in weight; whereas a full-grown hare of that size is now a rarity, and many jack hares are of seven or eight pounds each. Most of the Wiltshire dogs are therefore now crossed with the Newmarket or Scotch breeds, and the only stallion dog open to the public of pure Wiltshire blood is Wiltshire Marquis, now getting very old. Still it must not be supposed, however, that the successes of the old Wiltshire greyhound have been confined to his own Downs; on the contrary, Magic and Seidlitz can lay claim to having each defeated the best Newmarket dogs on Chippenham and Exning fields. But

these may be considered as exceptional cases, and the blood could not be relied upon in any other country than their own, or one of similar character, as for instance, the enclosed wolds of Market Weighton, where the great stake in 1851 was won by a Wiltshire Marquis puppy."—*Devizes Gazette*.

FRENCH MASTIFFS.—We learn from one of David Hume's letters, that the French were in the habit of giving the name of "Marlborough" to their largest mastiffs. Hume was writing in the year 1760 (apparently to his friend Dr. Campbell), which proves that the terror inspired by the great Duke's career had long survived his victories. The reason for the Duke's own selection of Marlborough for his title in the first place is not so clear.

A post-boy of the Marlborough Arms Hotel and a shepherd of the Messrs. Halcomb were, in 1838, convicted and fined £7. 10s. each, for bringing a doe out of the forest, and disposing of it in the town. A waiter at the Angel was also fined £3. 10s. for receiving. The delinquents stated that they found the animal lying near the road in a disabled state.

EDWARD AVON'S GHOST, 1674.

Every place has its ghost-story. Hardly any of such legends are worth recording, except as illustrations of the remarkable hold which they appear to take on the fancy of both the learned and the rude, at certain epochs in the religious life of nations. Few persons are aware to what an extent the public mind was engaged at that time in questions of this sort. Dr. Francis Hutchinson, in his 'Historical Essay concerning Witchcraft,' written apparently at the commencement of the last century, catalogues no less than twenty-four different works or essays which had all made their appearance since the Restoration of Charles II, and the majority of which had for their object the maintenance of popular credulity on these points. One of the best known, and perhaps the most absurd, is the *Sadducismus Triumphatus* of the Rev. Joseph Glanville, F.R.S., Chaplain in Ordinary to King Charles II, who drags triumphantly his sceptical adversaries, the Nullibists and Hohenmerians, through thirty-six doctrinal sections, and finally demolishes their position in an Appendix, entitled 'A Choice Collection of Modern Relations.' The great gun in this collection is the story of the Invisible Drummer of Tidworth House near Ludgershall (the basis of Addison's drama), whose performances are now generally supposed to have been the result of gypsy confederacy; though such was far from being at that time the opinion of the public, or even of Mr. Mompesson himself, the owner of the house; for a son of his being asked by John Wesley (who was his college companion at Oxford), many years afterwards, what was his father's real opinion of that affair, remarked, that whatever his father might have thought, he was obliged in self-defence to cast discredit on the story, lest his

estate should be eaten up by the multitude of visitors which the popular report, stimulated no doubt by Mr. Glanville's garrulity, had attracted to the spot.

The county of Wilts gave birth and eclat also to one other "relation" in which Mr. Glanville appears to have reposed considerable faith. This was the Marlborough legend of Edward Avon's ghost, which, with some hesitation, it has been decided to transfer to these pages. Should the insertion of so apocryphal a tale be derided as puerile, let the plea be admitted that the principal personages in Marlborough once looked upon the affair in the light of a very grave business; and that if we would thoroughly know the men who have already figured as shrewd politicians, we may now contemplate them in the character of contributors to Mr. Glanville's book of wonders. Neither was it only in this town that the story attracted notice, for another publisher of the account fortifies his narrative by adding, for the benefit of the Londoners, that "the facts could be attested by the Marlborough carriers innings at the Rose in Holborn Bridge."

"The narrative of Thomas Goddard, of Marlborough, in the county of Wilts, weaver, made on the 23d Nov., 1674, and deposed in the presence of Christopher Lypiatt, mayor; Ralph Bayly, town-clerk; and Joshua Sacheverell, rector of St. Peter's, 'Who saith: That on Monday, the ninth of this instant, as he was going to Ogbourn, at a stile on the highway near Mr. Goddard's ground, by nine in the morning he met the apparition of his father-in-law, one Edward Avon, of this town, glover, who died in May last, having on, to all appearance, the same clothes, hat, stockings, and shoes he did usually wear when he was living, standing by and leaning over that stile. As Goddard came near, the apparition spake to him with an audible voice these words, 'Are you afraid?' to which he answered, 'I am thinking of one who is dead and buried, whom you are like;' to which the apparition replied, with the like voice, 'I am he that you were thinking of, I am Edward Avon, your father-in-law, come near to me, I will do you no harm.' Goddard answered, 'I trust in him who hath bought my soul, you shall do me no harm.' Then the apparition said, 'How stand cases at home?' Goddard asked 'What cases?' Then it asked, 'How do William and Mary?' meaning, as was conceived, his son, William Avon, a shoemaker here, and Mary, his daughter, the said Goddard's wife. Then it said, 'What, Taylor is dead!' meaning one Taylor of London, who had married his daughter Sarah, and died about Michaelmas last. Then the apparition held out its hand, and in it, as Goddard conceived, twenty or thirty shillings in silver, and then spake with a loud voice, 'Take this money, and send it to Sarah, for I shut up my bowels of compassion toward her in my lifetime, and now here is somewhat for her.' And then said, 'Mary (meaning his, the said Goddard's wife, as he conceived) is troubled for me, but tell her I have received mercy contrary to my deserts.' But Goddard answered, 'I refuse all such money;' upon which the apparition said, 'I perceive you are afraid, I will meet you some other time;' and immediately it went

away up the lane. So Goddard went over the same stile, but saw it no more that day.

"The next night about seven o'clock it came, and opened Goddard's shop-window, and stood in the same clothes as before, looking him in the face, but saying nothing. And the next night after, as Goddard went forth into his back premises with a candlelight in his hand, it appeared to him again in the same shape, but being in fear he ran into his house, and saw it no more then.

"But on Thursday, the 12th instant, as he came from Chilton, riding down the hill between the Manor House and Axford Farm field, he saw something like a hare crossing his way, at which his horse being frighted threw him in the dirt. As soon as he could recover his feet, the same apparition met him again in the same habit, and standing about eight feet directly before him in the way, spake again to him with a loud voice, 'Source (a word he commonly used when living) you have stayed long: Thomas, bid William Avon take the sword that he had of me, which is now in his house, and carry it to the wood as we go to Alton, to the upper end of the wood by the wayside; for with that sword I did wrong about thirty years ago, and he never prospered since he had that sword. And bid William Avon give his sister Sarah twenty shillings of the money which he had of me. And do you talk with Edward Lawrence, for I borrowed twenty shillings of him several years ago, and did say I had paid him, but I did not; and I would desire you to pay him twenty shillings out of the money which you had from James Elliott at two payments, (which money the said Goddard now saith was £5., which Elliott, a baker, owed to the deceased Avon on bond, and which he, Goddard, had received from Elliott since Michaelmas, in two payments, viz., 35s. at one, and 23. 5s. at another payment). And it farther said to him, Tell Margaret [his widow] that I would desire her to deliver up the little which I gave to little Sarah Taylor, either to the child herself, or to any one she will trust for it. But if she will not, speak to Edward Lawrence to persuade her; and if she will not then, tell her I will see her very suddenly, and see that this be done within a twelvemonth and a day after my decease and peace be with you.' And so it went away over the rails into the wood there in the like manner as any man would go over a stile, to his apprehension, and so he saw it no more at that time. And he saith, that he paid the twenty shillings to Edward Lawrence, of this town, who being present now, doth remember that he lent the deceased twenty shillings about twenty years ago, which none knew but himself and his wife, and Avon and his wife, and that it had never been repaid to him till now by this Goddard.

"And this said Goddard further saith, That this very day, by Mr. Mayor's orders, he with his brother-in-law William Avon went with the sword, and about nine o'clock this morning laid it down in the copse near the place the apparition had appointed, and then coming away thence, Goddard, looking back, saw the same apparition in the like habit as before. Whereupon he called to his brother-in-law, 'Here is the apparition of our father,' who said,

'I see nothing.' Then Goddard fell on his knees, and said, 'May his eyes be opened;' but the brother-in-law replied, 'Grant I may not see it.' The apparition then beckoned to Goddard to come to it, and said, 'Thomas, take up the sword and follow me.' Goddard said, 'Shall both of us come, or but one of us?' to which it answered, 'Thomas, do you take up the sword.' And so he took up the sword and followed the apparition about ten lugs (poles) further into the copse, and then turning back he stood still about a lug and a half from it, his brother-in-law staying behind at the place where they first laid down the sword. Then Goddard, laying down the sword upon the ground, saw something stand by the apparition like a mastiff-dog of a brown colour. Then the apparition coming towards him, Goddard stepped back about two steps, and the apparition said to him, 'I have permission to you and commission not to touch you;' and then it took up the sword and went back to the place at which before it stood, with the mastiff-dog by it as before, and, pointing the top of the sword in the ground, said, 'In this place lies buried the body of him which I murdered in the year 1635, which is now rotten and turned to dust:' whereupon Goddard said, 'I do adjure you, wherefore did you do this murder?' And it said, 'I took money from the man, and he contended with me, and so I murdered him.' Then Goddard asked him, who was confederate with him in the said murder? and it said, 'None but myself.' Then Goddard said, 'What would you have me do in this thing?' And the apparition said, 'This is that the world may know that I murdered a man and buried him in this place in the year 1635.'

"Then the apparition laid down the sword on the bare ground there, whereon grew nothing, but seemed to Goddard to be as a grave sunk in; and then the apparition, rushing further into the copse, vanished: he saw it no more. Whereupon Goddard and his brother-in-law Avon, leaving the sword there and coming away together, Avon told Goddard he heard his voice and understood what he said, and heard other words distinct from his, but could not understand a word of it, nor saw any apparition at all, which he, now also present, affirmeth, and all which the said Goddard then attested under his hand, and affirmed that he would depose the same when he should be thereto required.

"Examined by me, WILLIAM BAYLY."

Mr. Glanville makes the following reflections on this affair:—

"That Thomas Goddard saw this apparition seems to be a thing indubitable; but whether it were his father-in-law's ghost, that is more questionable. The former is confirmed from a hand, at least impartial if not disfavoured to the story [Mr. Sacheverell?] The party, in his letter to Mr. Glanville, writes briefly to this effect: That he does verily think that Goddard believes the story himself; that he cannot imagine what interest he should have in raising such a story, thereby bringing infamy on his wife's father, and obliging himself to pay 20*s.* debt, which his poverty could very ill spare; that his father-in-law Edward

Avon was a resolute sturdy fellow in his young years, and many years a bailiff to arrest people; that Thomas Goddard had the repute of an honest man, knew as much in religion as most of his rank and breeding, and was a constant frequenter of the Church till about a year before this happened to him, when he fell off wholly to the Nonconformists.

"All this hitherto, save this last of all, tends to the confirmation of the story. Therefore this last shall be the first allegation against the credibility thereof. It is further alleged, that possibly the design of the story may be to make him to be accounted an extraordinary somebody among the dissenting body; that he is sometimes troubled with epileptic fits; that the mayor sent the next morning to dig the place where the spectre said the murdered man was buried, and there were neither bones found nor any difference of the earth in that place from the rest.

"But we answer briefly to the first, That his falling off to the Nonconformists, though it may argue a vacillancy of his judgment, yet it does not any defect of his external senses, as if he were less able than before to discern when he saw or heard anything. To the second, That it is a perfect contradiction to his strong belief of the truth of his own story, which plainly implies that he did not feign it to make himself an extraordinary somebody. To the third, That an epileptical person, when he is out of his fits, hath his external senses as true and entire as a drunken man has when his drunken fit is over, or a man awake after a night of sleep and dreams. So that this argument has not the least show of force with it, unless you will take away the authority of all mens' senses, because at *some* times they have not a competent use of them, viz., in sleep, drunkenness, or the like. But now, lastly, for the fourth, which is most considerable: It is yet of no greater force than to make it questionable whether this spectre were the ghost of his father or some ludicrous goblin that would put a trick upon Thomas Goddard by personating his father-in-law, and by a false pointing at the pretended grave of the murdered make him ridiculous. For, what Porphyrius has noted I doubt not is true, that demons sometimes personate the souls of the deceased. But if an uncoffined body, being laid in ground exposed to wet and dry, the earth may in thirty or forty years consume the very bones and assimilate all to the rest of the mould, when some earths will do it in less than the fifteenth or twentieth part of that space; or if the ghost of Edward Avon might have forgotten the certain place (it being no grateful object of his memory) where he buried the murdered man, and only guessed that to be it because it was somewhat sunk as if the earth yielded upon the wasting of the buried body; the rest of the story will still naturally import that it was the very ghost of Edward Avon. Besides, himself expressly declares that the body there buried was by this time all turned into dust.

"But whether it was a ludicrous demon or Edward Avon's ghost, concerns not our scope. It is sufficient that it is a certain instance of a real apparition;

and I thought fit, as in the former story, so here, to be so faithful as to conceal nothing that any might pretend to lessen the credibility thereof. Stories of the appearing of souls departed are not for the tooth of the Nonconformists, who, as it is said, if they generally believe this [instance], it must be from the undeniable evidence thereof; nor could Thomas Goddard gratify them by inventing it. And, that it was not a fancy, the knowledge of the 20*l*. debt, imparted to Thomas Goddard, ignorant thereof before, and his brother Avon's hearing a voice distinct from his in his discourse with the apparition does plainly enough imply. Nor was it Goddard's own fancy, but the real spectre that opened his shop-window; nor his imagination, but something in the shape of a hare that made his horse start and cast him into the dirt; the apparition of Avon being then accompanied with that hare, as afterwards with a mastiff-dog. And lastly, the whole frame of the story, provided the relator does verily think it true himself (as Mr. S. testifies for him in his letter to Mr. Glanville, and himself professed he was ready at any time to swear to it), is such, that it being not a voluntary invention, cannot be an imposing fancy." [Goddard is probably the person mentioned in the Blacksmith's story at foot of page 290.]

AUBREY *versus* MILTON (page 297.)

"The rustication of Milton," it was lately observed, "has often served as an excuse to meaner spirits, and perhaps it may before now have been pleaded successfully with some silly parents. . . . Here was an example and apology for all succeeding *roués*; and the youth of spirit, who scorned the decencies of collegiate life, fancied himself a kindred soul with the handsomest of men, the most elegant of scholars, and the most gifted of poets." Strange to say, the calumny propagated in his lifetime, possessed, even according to the judgment of such learned men as Warton and Johnson, its confirmation in a passage in the Latin poem addressed by Milton himself to his friend Deodatus during a temporary absence from college. The interpretation of this passage, incorrectly given by the *learned*, and adopted by the ignorant, has been recently set aside by Dr. Maclure, one of the classical masters in the Edinburgh academy, and the poet's true meaning so lucidly exhibited as to ensure instant and cordial acquiescence. Here is the original passage:—

"Me tenet urbe reflua quam Thamesis alluit unda,
 Meque nec invitum patria dulcis habet.
 Jam nec arundiferum mihi cura revisere Camum,
 Nec dudum vetiti me laris angit amor.

* * * * *

Si sit hoc exilium patrios adiesse penates,
 Et vacuum curis otia grata sequi,
 Non Ego vel profugi nomen sortemve recuso,
 Lætus et exilii conditions fruor."

By Johnson and others, the expressions *dudum vetiti laris*, a habitation from which he had recently been excluded, *exilium*, exile, and *proptugi*, of a banished man, were all supposed to point with ominous precision to a recent expulsion from Cambridge. The following translation, with additions in brackets, puts the matter in a very different light:

The City washed by Thames's tidal wave detains me,
And my sweet native place holds me not unwilling.
Now I neither care to revisit the reedy Cam,
Nor does a longing for the domestic hearth lately forbidden me [during
term time] torment me.

If this be [what you call] exile, to have visited the paternal household gods,
And, free from cares, to follow charming leisure,
I refuse not the name or the lot of a banished man,
And gladly I enjoy the condition of exile.

"Now that the thing is pointed out, the translation Johnson gives of *vetiti laris* seems little less than absurd. The word *lar* is one of the most expressive in the language. It is not merely a habitation,—it is a home in the deepest meaning of the term,—a hearth hallowed by the presence of the household god. It is quite beyond belief that an accomplished Latinist like Milton could apply such a name to his solitary room at college." It is certain also that he never expected this Latin poem, which he placed at the head of his Series when collecting them for publication, would, in an after age, fortify the aspersions of prejudiced contemporaries. How he defended himself in his own day, the following will show.

"I must be thought, if this libeller, for now he shows himself to be so, can find belief, after an inordinate and riotous youth spent at the University, to have been at length 'vomited out thence.' For which commodious lye, that he may be encouraged in the trade another time, I thank him; for it hath given me an apt occasion to acknowledge publicly, with all grateful mind, that more than ordinary favour and respect which I found, above any of my equals, at the hands of those courteous and learned men, the fellows of that college wherein I spent some years; who, at my parting, after I had taken two degrees, as the manner is, signified many ways how much better it would content them that I would stay, as by many letters full of kindness and loving respect both before that time and long after, I was assured of their singular good affection towards me." And in his second Defence he says still more distinctly that his father sent him to college, where he studied seven years with the approbation of the good, and without any stain upon his character, till he took the degree of Master of Arts.

The above remarks are mainly derived from Chambers's Edinburgh Journal, No. 239, where the subject closes thus: "Dr. Maclure is entitled to our thanks for the light he has thrown upon this interesting point in literary history.

Himself a schoolmaster, he has proved to be so far more *au fait* of the trade than his brother schoolmasters Warton and Johnson, and he has relieved from unmerited obloquy the character of the illustrious schoolmaster Milton."

[Since the above was in type, I have been assured by a gentleman, whose knowledge of Aubrey is probably second to that of no one in the county, that the early date of Milton's first reply to his unknown libeller, wherein the offensive term of *vomited* is expressly repelled, that is to say, in 1642, when Aubrey, though at college, could not have been more than sixteen years of age, coupled with the well-known kindness of his natural disposition, alike render it incredible that he could have *originated* the calumny. To such correction I cheerfully subscribe; the only remaining question being, whether or not Aubrey were capable of reviving the report at a later period; but this also seems inconsistent with the absence of any such imputation in his *Life of Milton*, and the courtesy with which he apologises for Milton's political opinions even when uttered against monarchy. It is also right to mention, that the translation given above is not verbally, though it is in effect, that of Dr. Maclure.]

CHAMBERLAIN'S ACCOUNTS (page 127).

It should have been stated under this head that there are extant fragments of the accounts of John de Blond, constable of Marlberg, "de recept. et expens. suis," 8th and 9th of Edward I. These the present writer has consulted at the Carlton Depository; but their defaced condition, as also the apparent vagueness of the subjects of expense, forbade the hope of extracting any interest from such a source. The term constable bore in those days a signification differing widely from its modern acceptation. John de Blond was probably the best-informed civilian in the town.

MARLBOROUGH COUNTY GAOL.

Since page 462 was printed, this gaol has been suppressed as a penal establishment; and the governorship of Devizes prison becoming vacant at the same time, Mr. Alfred Alexander, the keeper of Marlborough Bridewell, was promoted to the metropolitan station of Devizes. The report at the quarter sessions, signed by Sir John Awdry, Mr. Jacob, Mr. Merewether, Mr. H. N. Goddard, Mr. Sotheron, and Mr. Ravenhill, was to the following effect:—

"We have taken into our consideration (the committee say) the subject referred to us, and have agreed to the following report:—The Government Inspector of prisons having called the attention of the Secretary of State, in an official paper, to the utter inefficiency of the prison at Marlborough as a penal establishment, and the impossibility of its being enlarged and improved without an expenditure wholly incommensurate with its utility, and the Secretary of State having directed these suggestions to be submitted to the Court, we are of opinion that the gaol at Marlborough ought no longer to be continued as a

penal establishment. We find that the number of prisoners committed to this prison under sentence of a court or summary conviction, during the last two years and three-quarters to the present time, have been as follows:—In 1851, 85 prisoners; in 1852, 95; in 1853, 87; besides debtors.

“The discontinuance therefore of Marlborough Gaol as a place of punishment would occasion an increase of prisoners in the other two prisons of the county, of an average of rather less than 100 during the whole course of a twelvemonth.

“We have considered the plans laid before the Court by the county surveyor, for alterations in the internal arrangements, by which seventeen additional cells could be provided at a cost of £600, but without provision for employment or exercise or hard labour, in a space already too confined.

“We do not feel justified in advising the Court to make this outlay, for a purpose which we think would be very insufficiently attained; and we do not think it would be worth while to continue the annual expense of a regular prison establishment for the limited object of providing a place for the custody of prisoners on remand for examination, particularly when a lock-up house is in course of being erected or otherwise supplied in every petty sessions division—whilst there is room to spare in the gaols at Salisbury and Devizes for the reception of prisoners committed for trial, and the facilities of removal are annually on the increase.

“Having then, on a view of the circumstances of the county, come to the conclusion that the gaol at Marlborough ought to be discontinued on the footing of a prison, and leaving to the Court, on further consideration, to determine in what manner it shall be applied, we wish to add, that we do not recommend that it should be appropriated to any purpose that might prevent the county from having the use of it for the reception of prisoners for trial at the October sessions of each year, as heretofore.”

THE MARQUIS OF HERTFORD (see page 539).

The restoration of the ancient dignities of his house to the Marquis of Hertford by Charles II, was designed as such a signal favour, that the King made the following pointed allusion to it, in his speech to the two Houses, 13th September, 1660.

* * * “I cannot,” his Majesty observed, “but take notice of one particular Bill I have passed, which may seem of an extraordinary nature,—that concerning the Duke of Somerset. But you all know it is for an extraordinary person who hath merited as much of the King my father, and myself, as a subject can do; and I am none of those who think that subjects by performing their duties in an extraordinary manner do not oblige their Princes to reward them in an extraordinary manner. There can be no danger from such a precedent; and I hope no man will envy him because I have done what a good master should do to such a servant.”—*Lords' Journals*.

SIR JOHN FENWICK'S INFORMATION, 1696 (see page 345).

"Whereas I told his Majesty, there were some persons here who held a correspondence with King James and his secretary [Lord] Melfort—they were the Earl of Ailesbury, my Lord Montgomery, my Lord Brudenell, Mr. Richard Morley, Peter Cook, and myself.

"We used to write to my Lord Melfort constantly. We generally met at my Lord Ailesbury's, but sometimes at my Lord Montgomery's, and sometimes at my house. We agreed what should be written; and for the most part every one wrote his own letters. The letters were generally put into Peter Cook's hands, and I believe he delivered them to Birkenhead, who had an allowance from King James of £100 per annum for conveying the letters backward and forward. My Lord Ailesbury wrote often to King James; and my Lord Montgomery held a correspondence with the Queen, for I have seen him read several of her letters. Lord Melfort, for the most part, wrote one letter to be communicated to us all. The subject of our letters was, giving an account of all that passed either in Parliament or about the fleet and army. The accounts of the fleet my Lord Ailesbury had from Anselm, as he told us, saying, 'Anselm was out £50 a year in getting those accounts, and he only desired to be reimbursed his charge. The accounts of the army Peter Cook * * * * had from Commissary Crawford.' [In a previous examination Fenwick had declared, 'As for the army King James depends upon my Lord Marlborough's interest, who can do what he pleases with most of those who served in King James's time.' And this too after receiving from the exiled Prince such a humiliating response to his overtures as the following: 'My Lord of Marlborough,' James wrote back, 'was the greatest of criminals where he had the greatest obligations; but if he would do him [James] extraordinary service, he might hope for pardon. And a little after,' Fenwick goes on to observe, 'he did a considerable piece of service, of which we had an account by one sent on purpose by King James.']

"When any letters came from France, Lord Ailesbury used to go to Hogden and show the letters, as he said, to the late Bishop of Norwich. I never saw the Bishop but once at his house, when I went with Lord Ailesbury and Lord Montgomery to make him a visit. About four years ago I remember there was a letter from Melfort about borrowing £12,000 for King James, we met at the Ship in Fish Street, Lord Ailesbury, Lord Montgomery, Lord Brudenell, and I, to consider it; but we could find no way to raise any part of it. I have heard my Lord Brudenell often say he had been out of pocket £6,000 for King James. I do not know that Lord Brudenell ever wrote a letter, but he used to say, he would make his wife write" * * * * "The last letter I saw of King James was to my Lord Ailesbury, 4th February last. All that I remember significant in it was, that the Toulon fleet would sail the 22d; and what they would do next he could not tell. About Christmas was two years, King James sent us

instructions, which we considered at my house. There were present, Lord Ailesbury, Lord Montgomery, Lord Brudenell, and I think, Morley; but I am not sure. These instructions were, to have an account of all lord lieutenants, deputy lieutenants, justices of the peace, and mayors of towns, that we thought would be in King James's interest. We thought it a strange demand, but answered, we would do what we could in it: but I do not know anything that was done. Archbishop Sancroft being then dead, we all agreed to write to King James to make the Bishop of Norwich Archbishop. At another meeting about three years ago, we sent Fountain over with accounts of things as they then stood. He carried over a paper of cant names to write to us by. Lord Ailesbury's names were Atkins and Squire, Lord Montgomery's was Mun only, my names were Pheasant and James, Morley was Jenkins, and Cook's name was Cole. King James's names were Harrison and the figure of 1: the Queen was Mrs. Harrison and my mother. His journey cost us £60. * * * Lord Ailesbury went for France about last Easter two years. He went to give account of all affairs here to King James, and to see what hopes there were of assistance from France. He told me he had been with the King of France in his closet. * * * It was all along our opinion that King James could not be brought back with less than 30,000 men; and I believe my Lord Ailesbury acquainted the King of France with it, * * * but I did not find he brought back any encouragement." * * *

Sir John Fenwick's Informations having been recited before the House of Commons, on the 6th November, it was "Resolved, That the papers then read, reflecting on the fidelity of several noble Peers, divers members of this House, and others, only by hearsay, are false and scandalous, and a contrivance to undermine the government, and create jealousies between the King and his subjects in order to stifle the real conspiracy." And thereupon a bill was brought in to attain Sir John Fenwick of high treason. Finally, in conjunction with others of inferior note, he suffered the last penalty of the law, the distinction being allowed to him of decapitation in place of hanging.



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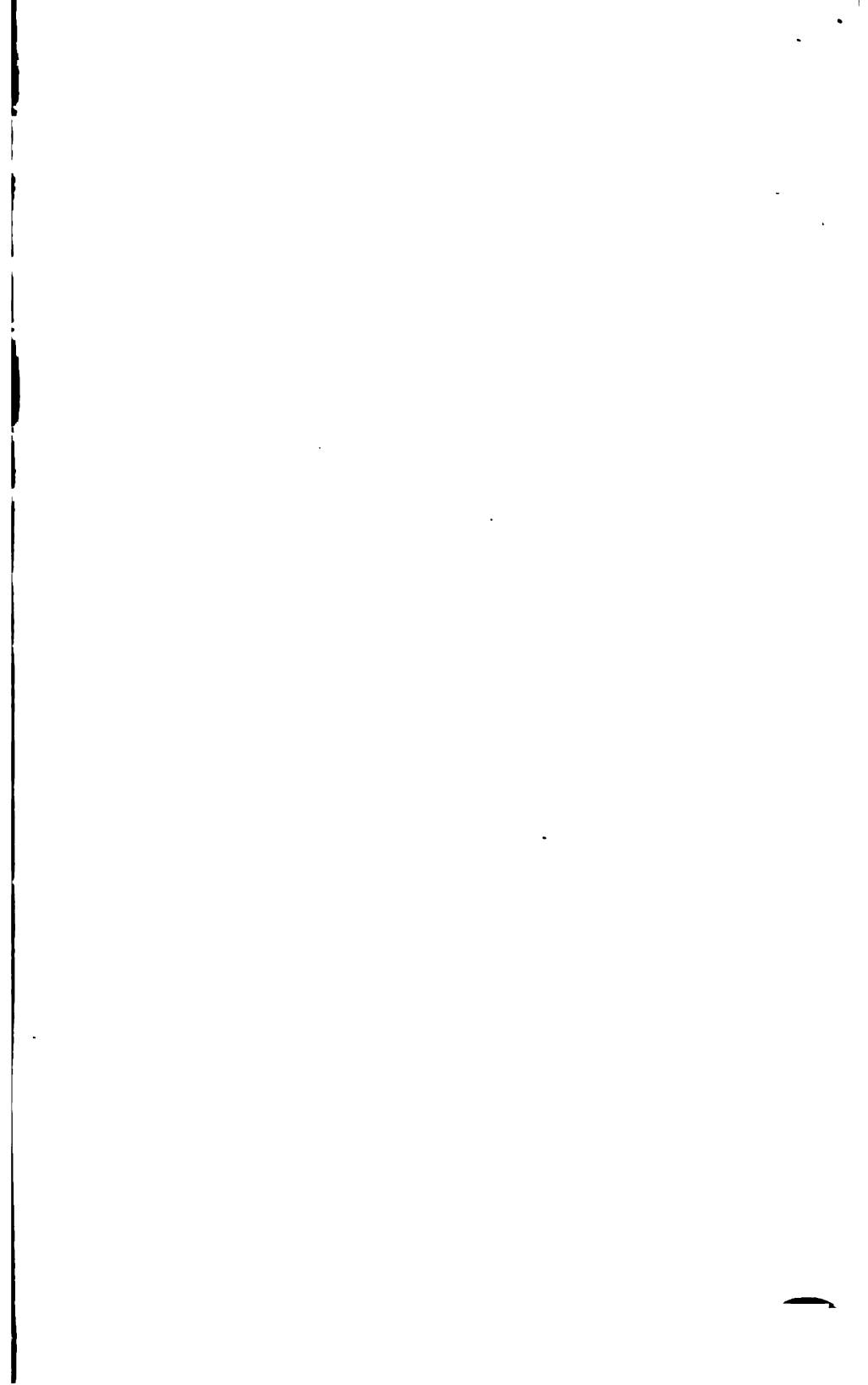
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